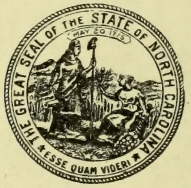
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STATE LAWS

GOVERNING

PUBLIC WELFARE WORK

IN

NORTH CAROLINA

SPECIAL BULLETIN, No. 1
ISSUED BY THE
N. C. STATE BOARD OF CHARITIES AND PUBLIC WELFARE
MRS. KATE BURR JOHNSON, *Commissioner*
RALEIGH, N. C.
1923

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STATE LAWS

GOVERNING

PUBLIC WELFARE WORK

IN

NORTH CAROLINA

STATE BOARD OF CHARITIES AND PUBLIC WELFARE

C. S. 5004. **Election and term of office.** There shall be elected by the General Assembly, upon the recommendation of the Governor, seven persons who shall be styled "The State Board of Charities and Public Welfare," and at least one of such persons shall be a woman. At the session of the General Assembly for the year one thousand nine hundred and seventeen all the members of such board shall be elected, three for a term of two years, two for a term of four years, and two for a term of six years; and thereafter the term shall be six years for all. The election shall be by concurrent vote of the General Assembly, and appointments to fill vacancies in the board arising from any cause whatsoever, except expiration of term, shall be made for the residue of such term by the Governor. The members of the board shall serve without pay, except that they shall receive their necessary expenses.

C. S. 5005. **Meetings of board.** The board shall hold meetings at least quarterly, and whenever called in session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it deems proper.

C. S. 5006. **Powers and duties of board.** The board shall have the following powers and duties, to wit:

1. To investigate and supervise, through and by its own members or its agents or employees, the whole system of the charitable and penal institutions of the State, and to recommend such changes and additional provisions as it may deem needful for their economical and efficient administration.

2. To study the subjects of nonemployment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects and their causes, treatment, and prevention, and the prevention of any hurtful social condition.

3. To study and promote the welfare of the dependent and delinquent child and to provide, either directly or through a bureau of the board, for the placing and supervision of dependent, delinquent, and defective children.

4. To inspect and make report on private orphanages, institutions, maternity homes, and persons or organizations receiving and placing children, and to require such institutions to submit such reports and information as the State board may determine.

5. To grant license for one year to such persons or agencies to carry on such work as it believes is needed and is for the public good, and is conducted by reputable persons or organizations, and to revoke such license when in its opinion the public welfare or the good of the children therein is not being properly subserved.

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6. To issue bulletins and have same printed to such amount and extent as may be approved by the State Printing Commission, and in other ways to inform the public as to social conditions and proper treatment and remedies for social evils.

7. To issue subpœnas and compel attendance of witnesses, administer oaths, and to send for persons and papers whenever it deems it necessary in making the investigations provided for herein or in the other discharge of its duties, and to give such publicity to its investigations and findings as it may deem best for the public welfare.

8. To employ a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare, and to employ such other inspectors, officers, and agents as it may deem needful in the discharge of its duties.

9. To recommend to the Legislature social legislation and the creation of necessary institutions.

10. To encourage employment by counties of the county superintendent of public welfare and to coöperate with the county superintendent of public welfare in every way possible.

11. To attend, either through its members or agents, social service conventions and similar conventions, and to assist in promoting all helpful publicity tending to improve social conditions of the State, and to pay out of funds appropriated to the State board expenses, salaries of employees, and all other expenses incurred in carrying out the duties and powers hereinbefore set out.

C. S. 5007. **Investigate and report on mental and physical infirmities.** The board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization. They shall, besides their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State. The State board shall keep and report statistics of the matters hereinbefore referred to, and shall compile these reports and analyze them with a view of determining and removing the cause in order to prevent crime and distress.

C. S. 5008. **Inspection of county prisons; reports required.** The State board shall have power to inspect county jails, county homes, and all prisons and prison camps and other institutions of a penal or charitable nature, and to require reports from sheriffs of counties and superintendents of public welfare and other county officers in regard to the conditions of jails or almshouses, or in regard to the number, sex, age, physical and mental condition, criminal record, occupation, nationality and race of inmates, or such other information as may be required by the State board. The plans and specifications of all new jails and almshouses shall, before the beginning of the construction thereof, be submitted for approval to the State board.

C. S. 5009. **Biennial reports to General Assembly.** The State board shall biennially prepare and submit to the General Assembly a complete and full report of its doings during the preceding two years, showing the actual conditions of all the State institutions under its supervision, with such sug-

gestions as it may deem necessary and pertinent, which shall be printed by the State printer, and shall report such other matters as it may think for the benefit of the people of the State.

C. S. 5010. **Attention secured for insane and other unfortunates.** Whenever the board shall have reason to believe that any insane person, not incurable, is deprived of proper medical treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of the board to cause such insane person to be conveyed to the proper State hospital for the insane, there to receive the best medical attention. So, also, it shall be their care that all the unfortunates shall receive benefit from the charities of the State.

C. S. 5011. **Public institutions to furnish information.** The board may require the superintendents or other officers of the several charitable and penal institutions of the State to report to them any matter relating to the inmates of such institutions, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics upon demand.

C. S. 5012. **Relatives ineligible to appointment in State institutions.** No person shall be appointed to any place or position in any of the State institutions under the supervision of the State board who is related by blood or marriage to any member of the State board or to any of the principal officers, superintendents, or wardens of State institutions.

C. S. 5013. **Failure of officers to furnish information.** If the board of commissioners of any county or the justices of the peace of any township, or any officer or employee of any charitable or penal institution of the State shall fail, refuse, or neglect to furnish any information required by law to be furnished to the State Board of Charities and Public Welfare, when they have been provided with the necessary blank forms for such reports, or shall fail upon request to afford proper facilities for the examination of any charitable or penal institution of the State, they shall be guilty of a misdemeanor.

COUNTY BOARDS OF CHARITIES AND PUBLIC WELFARE

C. S. 5014. **County board of charities, etc.; appointment; duty.** The State board shall appoint in each county three persons, to be known as the county board of charities and public welfare, whose duty shall be to advise with and assist the State board in the work in the county, to make such visitations and reports as the State board may request, and to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of the poor funds, and social conditions generally. The members of the county board of charities and public welfare shall serve without pay. The State board shall have power and right at any time to remove any member of the county board.

C. S. 5015. **Term of office and meetings of board.** The county board of charities and public welfare shall be appointed one for one year, one for two years, and one for three years, and subsequent appointments shall be for a term of three years. The persons so appointed shall meet immediately after their appointment and organize by electing a chairman, and the county superintendent of public welfare shall act as secretary. The county board shall meet at least once a month with the county superintendent of public welfare, and advise with him in regard to problems pertaining to his office.

COUNTY SUPERINTENDENT OF PUBLIC WELFARE

Chap. 128, Public Laws 1921. **Election.** On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years and until his successor is elected and qualified. The county superintendent of public instruction shall serve as secretary of the joint meeting, make permanent record of the proceedings, and issue all notices and reports necessary, previous and subsequent to the meeting. The person elected county superintendent of public welfare shall be qualified by character, fitness, and experience to well discharge the duties thereof. No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed immediately in like manner to elect another person. In case of a tie vote, the matter may be referred for decision to the State Commissioner of Public Welfare. A joint session of the two boards may be held at any time on the call of the chairman of either board for the purpose of discussing the work relating to the office; and a superintendent may be dismissed by joint action for proven unfitness or failure in the performance of duty and his successor elected. It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible results in carrying out the intention of this act. The joint meeting shall fix the salary of the county superintendent of public welfare, which sum shall be sufficient to secure the services of a well qualified person and one-half of which shall be paid from the funds of each board, and a reasonable expense fund shall be provided by each board for carrying on the work, which sum shall be separate from that allowed as salary for the county superintendent. In counties having a population of less than thirty-two thousand (32,000) by the census of nineteen hundred and twenty, and in counties where, on January first, nineteen hundred and twenty-one, the superintendent of education was performing the functions of county superintendent of public welfare, the board of county commissioners shall have the option of taking part or of not taking part in the election of a county superintendent of public welfare, and where the county commissioners do not desire to so participate, the county superintendent of public instruction shall become *ex officio* county superintendent of public welfare. Whenever by such action a county superintendent of public instruction becomes *ex officio* county superintendent of public welfare, he shall receive no salary in addition to that received as county superintendent of schools, but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. All such duties shall be as binding upon the county superintendent of public welfare as they would be in case he were not county superintendent of schools. Every county superintendent of public welfare shall make such reports of his work to the county board of education and the board of commissioners as said boards may require.

C. S. 5017. **Powers and duties of county superintendent.** The county superintendent of public welfare shall be chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.

2. To act as agent of the State board in relation to any work to be done by the State board within the county.

3. Under the direction of the State board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.

4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.

5. To have oversight of dependent and delinquent children, and especially those on parole or probation.

6. To have oversight of all prisoners in the county on probation.

7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.

8. Under the direction of the State board, to have oversight over dependent children placed in the county by the State board.

9. To assist the State board in finding employment for the unemployed.

10. To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.

C. S. 5018. **Joint city and county welfare work.** In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county board of charities and public welfare as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are authorized to make such provision for the expense of carrying on the work as they may deem advisable, and may delegate to the county board of public welfare all necessary power.

Rulings of the Attorney-General on Election of Superintendents of Public Welfare

STATE OF NORTH CAROLINA
DEPARTMENT OF ATTORNEY-GENERAL
RALEIGH

MRS. C. A. JOHNSON, July 7, 1921.
State Commissioner of Public Welfare,
Raleigh, N. C.

DEAR MRS. JOHNSON:—You ask this office to interpret the following provision of chapter 128, Public Laws 1921, with reference to the manner of the election of county superintendents of public welfare:

> "On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county suprintendent of public welfare, who shall serve for the ensuing

two years, and until his successor is elected and qualified. The county superintendent of public instruction shall serve as secretary of the joint meeting, make permanent record of the proceedings, and issue all notices and reports necessary previous and subsequent to the meeting."

There are two legal deductions from the use of the terms "joint session" in the connection in which they are used: First, there must be a quorum of both the board of education and of the board of county commissioners present before a joint session can be held, and second, these quorums being present, the various members of the two bodies, when in joint session, vote as individuals composing the joint meeting. This being true, the meeting itself selects its own presiding officer. That presiding officer has a vote as a member of the joint session, but none to break a tie, the statute expressly providing that in case of a tie vote the matter may be referred to the State Commission of Public Welfare. The view we have adopted, that the joint session elects its own presiding officer, is given force by the express provision of the statute that a county superintendent of public instruction shall serve as secretary of the joint meeting. If the Legislature had intended that the chairman of the board of county commissioners or the chairman of the county board of education should preside over the joint session, it would have so declared. As it is, they are as eligible to be elected chairman of the joint session as any other member of either of the bodies composing that joint session.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

STATE OF NORTH CAROLINA
DEPARTMENT OF ATTORNEY-GENERAL
RALEIGH

MRS. C. A. JOHNSON, June 16, 1921.
State Commissioner of Public Welfare,
Raleigh, N. C.

DEAR MRS. JOHNSON:—You ask the interpretation of this office upon the following which is part of section 1, chapter 128, Public Laws of 1921:

"In any county of less than 32,000 population, where the county commissioners do not desire to so participate, the county superintendent of public instruction becomes *ex officio* county superintendent of public welfare. He shall receive no salary in addition to that received as county superintendent of schools, but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare."

It is clear that though the county superintendent of public instruction, who becomes *ex officio* county superintendent of public welfare, is to receive no additional salary, yet he also is to be put to no additional expense. The expenses incurred in performing the duties of county superintendent of public welfare are provided for in this way. The county board of education, with the approval of the board of commissioners, must furnish him, and pay the cost of such furnishing, such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced, while the board

of county commissioners must, from the general funds of the county, furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. The approval of the board of commissioners to the clerical or other assistance furnished him by the board of education must be interpreted in the light of the preceding declaration of the Legislature: "It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible results in carrying out the intention of this act." The approval required of the county commissioners, then, does not extend to a positive veto to supplying the superintendent with the clerical or other assistance. The statute expressly requires that these should be furnished to him. It extends only so far as to give the county commissioners authority to determine jointly with the board of education the amount, the cost and the personnel of the clerical assistance furnished. We think, also, that the requirement upon the county commissioners to furnish a reasonable expense fund is mandatory, with the determination of its reasonableness a matter for them in the first instance. We think there is nothing in the act which gives the board of county commissioners a veto upon any of its provisions, except that they may or may not take part in an election of a county superintendent of public welfare in counties of the description contained in section 1, a portion of which is quoted above.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

STATE OF NORTH CAROLINA
DEPARTMENT OF THE ATTORNEY-GENERAL
RALEIGH

MRS. CLARENCE A. JOHNSON, July 5, 1921.
State Board of Charities and Public Welfare,
Raleigh, N. C.

DEAR MRS. JOHNSON:—The General Assembly of 1921, chapter 128 of the Public Laws, requires the county superintendent of public welfare to be elected on the second Monday in July, 1921, and on the second Monday in July every two years thereafter. The old section, 5016, of the C. S. required this election not later than July 15. In both statutes he was elected at a joint meeting of the board of commissioners and the county board of education. Under the old statute his tenure of office was at the pleasure of the board; under the new, he is given a definte term of office, two years. It is important, then, that the election should be held and the term commence at the time fixed by the Legislature, the second Monday in July. The Legislature evidently intended that the terms of all incumbents should expire at that time, it makes no difference when they were elected. While it may be that an election held at a later period would not be invalidated thereby, yet it is important for more reasons than one that the election should be held at the regular time.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

LAWS AND AGENCIES FOR THE PROTECTION OF CHILDREN

CHILD LABOR REGULATIONS

C. S. 5031. **Child Welfare Commission created; duties.** The State Superintendent of Public Instruction, the Secretary of the State Board of Health, and the Commissioner of Public Welfare of the State of North Carolina are hereby constituted the State Child Welfare Commission, and they shall serve without additional compensation. It shall be the duty of this commission to make and formulate such rules and regulations for enforcing and carrying out the provisions of this article, and of the laws relating to seats for women employees, and the laws requiring separate toilets for sexes and races, as in its judgment it shall deem necessary.

C. S. 5032. **Employment of children under fourteen regulated.** No child under the age of fourteen years shall be employed or permitted to work, in or about or in connection with any mill, factory, cannery, workshop, manufacturing establishment, laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, bootblack stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, except in cases and under regulations prescribed by the commission hereinafter created. The employments in this section enumerated shall not be construed to include bona fide boys' and girls' canning clubs recognized by the Agricultural Department of this State; and such canning clubs are hereby expressly exempted from the provisions of this article.

C. S. 5033. **Prohibited employments of children under sixteen.** No person under sixteen years of age shall be employed or permitted to work at night in any of the places or occupations referred to in the first preceding section, between the hours of 9 p. m. and 6 a. m., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine.

C. S. 5034. **Age certificates.** If the employer of any person under sixteen years of age shall, at the time of such employment, in good faith, procure, rely upon, and keep on file a certificate issued in such form and under such conditions and by such persons as the said commission herein provided for shall prescribe, showing that the person is of legal age for such employment, such certificate shall be *prima facie* evidence of the age of the person and the good faith of the employer. No person shall knowingly make a false statement or present false evidence in or in relation to any such certificate or application therefor, or cause any false statement to be made which may result in the issuance of an improper certificate of employment.

C. S. 5035. **Commission may employ agents.** The commission shall have authority to appoint and employ such agents for the purpose of enforcing the provisions of this article as may be found to be necessary, and they may use the county superintendent of public welfare or chief school attendance officer or truant officer of the several counties for the purpose of carrying out such provisions, and they may use the agents specially designated for carrying out the provisions of this article to aid in carrying out the provisions of the general compulsory school attendance law under subchapter nine (IX) of the chapter on education.

C. S. 5036. **Inspection by agents; obstruction unlawful.** For the purpose of securing the proper enforcement of the provisions of this article and

of the laws relating to seats for women employees, and the laws requiring separate toilets for sexes and races, the commission, or its duly authorized agents, shall have authority to enter and inspect, at any time, mines, quarries, mills, factories, canneries, workshops, manufacturing establishments, laundries, bakeries, mercantile establishments, offices, hotels, restaurants, barber shops, bootblack stands, public stables, garages, places of amusement, brick yards, lumber yards, and other places of employment; and it shall be unlawful for any person, firm, or corporation to refuse permission to enter, obstruct, or prevent any duly authorized agent of the commission in his effort to make the inspection herein provided for.

C. S. 5038. **Violations of this article and of certain other laws a misdemeanor.** Any person, firm, or corporation violating any of the provisions of this article, or of the laws relating to seats for women employees or of the laws requiring separate toilets for sexes and races, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, within the discretion of the court.

Rulings of the State Child Welfare Commission on the Child Labor Law

The State Child Welfare Commission, in executive session on August 6, 1919, made the following rulings, which have the force of law:

1. No child of any age under sixteen years shall be permitted to work in any of the occupations mentioned in section 5, before 6 o'clock in the morning or after 9 o'clock at night. This ruling is made mandatory by section 6, and the law gives no discretion to the commission to modify the same.

2. No girl under fourteen years of age shall be permitted to work in any of the occupations mentioned in section 5. The reason for this is that if the womanhood of the State is to be properly conserved in the future, girls of tender age certainly should not be allowed to run the dangers of association inherent in employment in public places.

3. No child under fourteen years of age shall be employed in any of the occupations mentioned in section 5, for more than eight hours in any one day.

4. (Revised September 6, 1921). Boys between twelve and fourteen years of age may be employed in the enumerated occupations when the public school is not in session when it is shown to the county superintendent of public welfare or other authorized agent of the commission that the proposed employment is not to the injury of the health or morals of the child. But in no case shall such employment be legal until a certificate has been issued by the county superintendent of public welfare or other authorized agent of the commission on blanks furnished by the State commission. Before determining the question the county superintendent of public welfare or other authorized agent may, if he deem it necessary, require a physical examination of the child by the public health officer or other practicing physician. The employment certificate is to be issued only upon documentary evidence or proof of age as required by the commission.

5. During the time that the public school is in session boys between twelve and fourteen years of age may be employed on Saturday and out of school hours on the same conditions as above, provided that such employment does not interfere with their school work. Where school officials have provided for what is known as continuation schools, and where arrangement has been made to make the outside employment a unit of the school work, boys of this age may be, in specific cases, allowed to be occupied in employment during school hours for a limited time, at the discretion of the superintendent of the school.

The State Child Welfare Commission, in executive session on September 6, 1921, made the following rulings, which have the force of law:

6. . . . No child, claiming to be fourteen or sixteen years of age, but whose actual age is doubtful, shall be permitted to work in any of the occupations mentioned in sections 5 and 6 until an Age Certificate has been issued by the superintendent of public welfare or other authorized agent of the commission in accordance with the provisions of section 10 of this act. The design of this section being to insure the proper enforcement of the compulsory school law, to prevent the employment of any person contrary to the law, and to free the employer from liability under this act. An Age Certificate to be issued only upon documentary evidence or proof of age as required by the commission.

7. . . . On and after March 1, 1922, the superintendent of public welfare and other authorized agents of the commission shall require a school record of evidence for any child under sixteen years of age who makes application to engage in employment in any of the occupations mentioned in sections 5 and 6 before issuing either an Employment Certificate or Age Certificate. The school record to be prepared by school official or teacher in accordance with the approved school code for children and the accredited record system for schools approved by the Department of Education.

8. . . . On and after March 1, 1922, the superintendent of public welfare and other authorized agents of the commission shall require a physical examination by a health officer or practicing physician, upon forms approved by the commission, of any child under sixteen years of age, who makes application for employment, except in cases where the child has received physical examination by a medical officer of the State Bureau of Medical Inspection of Schools.

9. . . . The superintendent of public welfare is specially designated and commissioned as the authorized agent of the State Child Welfare Commission in the several counties to assist in enforcing and carrying out the provisions of child labor law and other acts relative to business and industry. In this position equal care is required to supervise and direct those employed and to correct any influence that would injure the welfare of any person or contribute to truancy or delinquency of any child.

10. . . . The superintendent of public welfare and other authorized agents of the commission shall suspend any certificate for employment when a condition is found that will injure the health or morals of a child pending the action of the commission, or revoke any certificate issued on false evidence.

EMPLOYMENTS NOT PROHIBITED

It is to be noted that the law does not prohibit the employment of children in occupations other than those enumerated in section 5, such as farming and domestic employment. It is assumed, also, that it does not affect children who are kept by their parents under their direct personal control in or about places owned and operated by the parents themselves, except in prohibited hours. The reason for this is that parents are supposed to control and care for their own children wherever they may be with them.

GENERAL PURPOSES

The commission feels that it should call the attention of parents, public officers, ministers, educators, social workers and thinkers, and the public generally to the fact that the Legislature intended this act to be a measure for child welfare, and to solicit the aid and coöperation of all in securing the

beneficient purpose intended. To this end it is necessary to make every possible effort to provide wholesome conditions of environment for children while not in school or employed. Such environment must depend upon better home influences, more parental thought and care, and more public coöperation in the way of playgrounds and other wholesome recreation. It is still true that an "idle brain is the devil's workshop," and juvenile delinquency arises in nearly all cases from idleness or lack of proper direction of youthful energy.

DUTIES OF THE SUPERINTENDENT OF PUBLIC WELFARE AS AUTHORIZED AGENT OF THE STATE CHILD WELFARE COMMISSION

To act as the commissioned agent of the State Child Welfare Commission, and assist in enforcing the child labor law and other acts relative to business and industry.

To supervise and direct the child in employment.

To issue certificate for employment and to establish age.

To investigate and make detailed inspection of places prescribed in the law.

To exercise the necessary authority in correcting violations discovered.

To record and report the duties performed as required by rules of the commission.

Child Under Sixteen Not to Drive Motor Vehicle

[CHAPTER 202, PUBLIC LAWS 1923.]

The General Assembly of North Carolina do enact:

SECTION 1. That any person who, being the owner or in charge of any motor vehicle, authorizes or knowingly permits a person under the age of sixteen years to operate such motor vehicle along any public street or public highway in the State of North Carolina shall be guilty of a misdemeanor, and shall be punished by a fine not in excess of the sum of fifty dollars ($50).

SEC. 2. That the term "motor vehicle" as used in section one hereof shall be construed to mean those vehicles it is construed to mean in section two thousand five hundred and ninety-eight of the Consolidated Statutes.

C. S. 2598. **Terms defined.** The term and words "motor vehicles" used in this chapter shall be construed to mean all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons, engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

COMPULSORY SCHOOL ATTENDANCE

GENERAL COMPULSORY ATTENDANCE LAW

C. S. 5758, amended by Chap. 179, Public Laws 1921. **Parent or guardian required to keep child in school; exemptions.** Every parent, guardian, or other person in the State of North Carolina having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

C. S. 5759. **State Board of Education to make rules and regulations; method of enforcement.** It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the

proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: *Provided*, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this act: *Provided*, that wherever any district is without adequate building or buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provisions in every district.

C. S. 5760. **Attendance officers; reports; prosecutions.** The State Superintendent of Public Instruction shall prepare such rules of procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and governing bodies of city schools shall have the right to appoint town or district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in towns or cities having special attendance officers paid out of town or city funds said officers shall have full authority to prosecute for violations of this article.

C. S. 5761. **Violation of law; penalty.** Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S. 5762. **Investigation and prosecution by county superintendent and attendance officer.** The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violations of the provisions of this article.

COMPULSORY ATTENDANCE OF INDIGENT CHILDREN

C. S. 5763. **Investigation as to indigency of child.** That if affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and

bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents standing *in loco parentis* are unable to send the child to school for the term of a compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a *bona fide* effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its finding to the county board of education of the county, or in cities, to the city school board in which the case may arise.

C. S. 5764. **Aid to indigent child.** The county board of education shall in its discretion order aid to be given the family from the Incidental Expense Fund of the county school budget to an extent not to exceed ten dollars per month for such child during continuance of the compulsory term, and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated, and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

COMPULSORY ATTENDANCE OF DEAF CHILDREN

C. S. 5765. **Deaf children to attend school; age limits; minimum attendance.** Every deaf child of sound mind in North Carolina shall attend a school for the deaf at least five school terms of nine months each, between the ages of eight and fifteen years. The parents, guardians, or custodians of such child or children between the ages of eight and fifteen years shall send, or cause to be sent, such child or children to some school for the instruction of the deaf, at least five terms or sessions of nine months each, between said ages.

C. S. 5766. **Parents, etc., failing to send to school guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any deaf children between the ages of eight and fifteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, (1) that parents, guardians, or custodians may elect two years between the ages of eight and fifteen years that a deaf child or children may remain out of school; and (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his or their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

C. S. 5767. **Duties of census taker and county superintendent.** It shall be the duty of the school census taker to report name, age, and sex of each deaf child in his district, and name of parents, guardians, or custodians and their postoffice address to the county superintendent of education, who shall send said report of names and addresses to the superintendent of the North Carolina School for the Deaf, located at Morganton, N. C. Upon the failure of the census taker or county superintendent to make such reports he shall be fined five dollars for each white deaf child not so reported.

COMPULSORY ATTENDANCE OF BLIND CHILDREN

C. S. 5769. **Blind children to attend school; age limits; minimum attendance.** Every blind child of sound mind and body living in the State of North Carolina shall attend the State School for the Blind and the Deaf, at Raleigh, or some similar school for the education of the blind, for a term of nine months each year, between the ages of seven and seventeen years. The term "blind child" is to be construed as meaning any child whose sight is so defective as to make it impracticable to obtain an education in schools for the seeing. The parents, guardians, or custodians of any blind child or children between the ages of seven and seventeen years shall send, or cause to be sent, such child or children to some school for the instruction of the blind at least eight sessions of nine months each.

C. S. 5770. **Parents, etc., failing to send guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any blind child or children between the ages of seven and seventeen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: *Provided*, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

C. S. 5771. **Duties of census taker and county superintendent.** It shall be the duty of the school census taker to report name, age, and sex of each blind child in his district, and names of parents, guardians, or custodians and their postoffice addresses, to the county superintendent of education, who shall send said report of names and addresses to the superintendent of the State School for the Blind and the Deaf, at Raleigh, N. C. Upon the failure of the census taker or county superintendent to make such reports, he shall be fined five dollars for each blind child not reported.

C. S. 5773. **Sheriffs to enforce law.** The sheriffs of the various counties of North Carolina shall be required to enforce the provisions of this article in cases of blind children reported to them by the superintendent of the State School for the Blind and Deaf. And they shall have authority to reimburse themselves for such services and expense as are entailed upon them in executing the provisions of this article.

C. S. 5774. **Superintendent of School for Blind to have free transportation to enforce law.** In order to aid the superintendent of the State School for the Blind and Deaf in securing the attendance of blind children upon the school, the various railroads operating in the State of North Carolina may grant him transportation without charge.

NOTE.—See rules and regulations as to compulsory school attendance issued by the State Department of Education.

SEPARATE SCHOOLS

C. S. 5538. **Separation of races.** The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race.

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All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, however remote the strain, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians, now living in Robeson, Sampson, and Richmond counties, shall have separate schools for their children, as hereinafter provided in this chapter.

JUVENILE COURTS

C. S. 5039. **Exclusive original jurisdiction over children.** The Superior Courts shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in or being at this time within their respective districts—

(1) Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or

(2) Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be, and for permitting which an adult may be punished by law, or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child; or

(3) Who is dependent upon public support or who is destitute, homeless or abandoned, or whose custody is subject to controversy.

When jurisdiction has been obtained in the case of any child, unless a court order shall be issued to the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this act during the minority of the child. The duty shall be constant upon the court to give each child subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of such child and to the best interest of the State.

The Juvenile Court Law takes the place of the Apprenticeship Law, chap. 4, and the Juvenile Delinquent Law, 1915, chap. 222.

C. S. 5040. **Juvenile courts created; part of Superior Courts.** There shall be established in each county of the State a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of this article. Such part of the Superior Court shall be called The Juvenile Court of.....County.

The clerk of the Superior Court of each county in the State shall act as judge of the juvenile court in the hearing of cases coming within the provisions of this article, in which cases the child or children concerned therein reside in or are at the time within such county. Proceedings in such cases may be initiated before such judge, and in hearing such cases such judge shall comply with all the requirements and conform to the procedure provided in this article.

C. S. 5041. **Definitions of terms.** The term "court," when used in this article without modification, shall refer to the juvenile court to be established in each county as herein provided. The term "judge," when used in this article, shall refer to the clerk of the Superior Court, acting as judge of the

juvenile court. The term "child" shall mean any minor less than sixteen years of age. The term "adult" shall mean any person sixteen years of age or over.

C. S. 5042. **Sessions of court; records; general provisions.** Sessions of the court shall be held at such times and in such places within the county as the judge shall from time to time determine. In the hearing of any case coming within the provisions of this article the general public may be excluded and only such persons admitted thereto as have direct interest in the case. Sessions of the court shall not be held in conjunction with any other business of the Superior Court, and children's cases shall not be heard at the same time as those against adults.

The court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication under the provisions of this article shall operate as a disqualification of any child for any public office, and no child shall be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

This article shall be construed liberally and as remedial in character. The powers hereby conferred are intended to be general and for the purpose of affecting the beneficial purposes herein set forth. It is the intention of this article that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case.

C. S. 5043. **Petition to bring child before court.** Any person having knowledge or information that a child is within the provisions of this article and subject to the jurisdiction of the court, may file with the court a petition verified by affidavit, stating the alleged facts which bring such child within such provisions. The petition shall set forth the name and residence of the child and of the parents, or the name and residence of the person having the guardianship, custody, or supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

C. S. 5044. **Issuance of summons; traveling expenses allowed.** Upon the filing of the petition or upon the taking of a child into custody, the court may forthwith, or after an investigation by a probation officer or other person, cause to be issued a summons signed by the judge or the clerk of the court directed to the child, unless such child has been taken into custody, and to the parents or, in case there is no parent, to the person having the guardianship, custody, or supervision of the child, or the person with whom the child may be, requiring them to appear with the child at the place and time stated in the summons to show cause why the child should not be dealt with according to the provisions of this article.

The judge may, in his discretion, authorize the payment of necessary traveling expenses incurred by any witness or persons summoned or otherwise required to appear at the hearing of any case coming within the provisions of this article. Such expenses, when approved by the judge of the Superior Court, shall be a charge upon the county in which the petition is filed.

C. S. 5045. **Custody of child may be immediate.** If it appears from the petition that the child is embraced within subdivision one of the first section of this article, or is in such condition or surroundings that the welfare of the child requires that its custody be immediately assumed, the court may endorse or cause to be endorsed upon the summons a direction that the officer serving the same shall at once take such child into custody.

In the case of any child who has been taken into custody or pending the final disposition of any case, the child may be released in the custody of a parent or other person having charge of the child or in the custody of a probation officer or other person appointed by the court, to be brought before the court at the time designated. Any child embraced in this article may be admitted to bail as provided by law. When not released as herein provided such child, pending the hearing of the case, shall be detained in such place of detention as hereinafter provided for.

C. S. 5046. **Service of summons.** Service of summons shall be made personally by reading to and leaving with the persons summoned a true copy thereof: *Provided*, that if the court is satisfied that reasonable but unsuccessful effort has been made to serve the summons personally upon any of the parties named therein, or if it shall appear to the satisfaction of the court that it is impracticable to serve a summons personally upon any of them, the court may make an order providing for service of the summons by registered mail or by publication or otherwise in such manner as the judge shall determine. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested by the child or a parent, or in case there is no parent, by the person having the guardianship, custody or supervision of the child, shall not proceed with the hearing earlier than three days after the service. Failure to serve a summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision one of the first section of this article, provided that for good cause shown the court shall have made an order dispensing with such service.

If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as for contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued on the order of the court either against the parent or guardian or other person having custody of the child or with whom the child may be, or against the child himself.

The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed by the court, but the papers may be served by any person delegated by the court for that purpose.

C. S. 5047. **Hearing; disposition of child.** Upon the return of the summons or other process or after any child has been taken into custody, at the time set for the hearing, the court shall proceed to hear and determine the case in a summary manner. The court may adjourn the hearing from time to time and inquire into the habits, surroundings, conditions, and tendencies of the child so as to enable the court to render such order or judgment as shall best conserve the welfare of the child and carry out the objects of this act. In all cases the nature of the proceedings shall be explained to the child and to the parents or the guardian or person having the custody or the supervi-

sion of the child. At any stage of the case the court may, in its discretion, appoint any suitable person to be the guardian *ad litem* of the child for the purposes of the proceeding.

The court, if satisfied that the child is in need of the care, protection, or discipline of the State, may so adjudicate and may find the child to be delinquent, neglected, or in need of more suitable guardianship. Thereupon the court may

1. Place the child on probation subject to the conditions provided hereinafter; or

2. Commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court, to the supervision of a probation officer and the further orders of the court; or

3. Commit the child to the custody of the State Board of Charities and Public Welfare, to be placed by such board in a suitable family home and supervise therein; or

4. Commit the child to a suitable institution maintained by the State or any subdivision thereof, or to any suitable private institution, society or association incorporated under the laws of the State and approved by the State Board of Charities and Public Welfare, authorized to care for children or to place them in suitable family homes; or

5. Render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

6. If a child of fourteen years of age be charged with a felony for which the punishment as now fixed by law cannot be more than ten years in prison, his case shall be investigated by the probation officer and the judge of the juvenile court as provided for in this article, unless it appears to the judge of the juvenile court that the case should be brought to the attention of the judge of the Superior Court, in which case the child shall be held in custody or bound to the next term of the Superior Court as now provided by law.

C. S. 5048. **Child to be kept apart from adult criminals; detention homes.** No child coming within the provisions of this act shall be placed in any penal institution, jail, lockup, or other place where such child can come into contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purposes of this article, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home.

In case a detention home is established as an agency of the court it shall be furnished and carried on so far as possible as a family home in charge of a superintendent or matron who shall reside therein. The judge of the juvenile court may, with the approval of the State Board of Charities and Public Welfare, appoint a matron or superintendent, or both, and other necessary employees for such home in the same manner as probation officers are appointed under this article, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The necessary expenses incurred in maintaining such detention home shall be a public charge.

In case the judge shall arrange for the boarding of children temporarily detained in private homes, a reasonable sum for the board of such children

while temporarily detained in such homes shall be paid by the county in which such child shall reside or may be found.

In case the judge shall arrange with any incorporated institution, society or association for the use of a detention home maintained by such institution, society or association, he shall enter an order which shall be effectual for that purpose and a reasonable sum shall be appropriated by the county commissioners for the compensation of such institution, society or association for the care of children residing or found within the county who may be detained therein.

C. S. 5049. **Probation officers; appointment and discharge; compensation.** The judge of the juvenile court in each county shall appoint one or more suitable persons as probation officers who shall serve under his direction. The appointment of such probation officers shall be approved by the State Board of Charities and Public Welfare.

The county superintendent of public welfare shall be the chief probation officer of every juvenile court in his county, and shall have supervision over the work of any additional probation officer which may be appointed.

The judge appointing any probation officer may discharge such officer for cause after serving such officer with a written notice, but no probation officer shall be discharged without the approval of the State Board of Charities and Public Welfare.

The judge appointing any probation officer may, in his discretion, determine that a suitable salary be paid, and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determined and so approved shall be paid by the board of county commissioners, but no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Charities and Public Welfare.

The State Board of Charities and Public Welfare shall establish rules and regulations pursuant to which appointments under this article shall be made, to the end that such appointments shall be based upon merit only.

The appointment of a probation officer shall be in writing and one copy of the order of appointment shall be delivered to the officer so appointed and another filed in the office of the State Board of Charities and Public Welfare.

C. S. 5050. **Probation; conditions; revocation.** When the court places any child or adult on probation as provided in this article it shall determine the conditions of probation, which may be modified by the court at any time. A child shall remain on probation for such period as the court shall determine during the minority of such child. An adult shall remain on probation for such period as the court shall determine, not to exceed five years. The conditions of probation shall be such as the court shall prescribe, and may include, among other conditions, any or several of the following: That the probationer shall indulge in no unlawful or injurious habits; shall avoid places or persons of disreputable or harmful character; shall report to the probation officer as directed by the court or probation officer; shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; shall answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; shall, if a child of compulsory school age, attend school regularly; shall, if an adult or a child who does not attend school, work faithfully at suitable employment; shall remain or reside within a specified place or locality; shall pay a fine in one or several sums; shall make restitution or reparation to the aggrieved parties for actual damages or losses

caused by an offense, upon such conditions as the court shall determine; and shall make payment for the support of any lawful dependents as required by the court.

Any person on probation may at any time be required to appear before the court, and in case of his failure to do so when properly notified by the probation officer, the court may issue a warrant for his arrest. In the case of a child on probation, if the court believes that the welfare of such child will thereby be promoted, the probation may be revoked at any time, and the court may make such other disposition of the child as it might have made at the time the child was placed on probation. An adult on probation who violates any of the conditions thereof may be arrested upon a warrant issued by the court, and the court may impose any penalties which it might have imposed at the time the defendant was placed on probation.

C. S. 5051. **Duties and powers of probation officers.** It shall be the duty of a probation officer to make such investigations before, during or after the trial or hearing of any case coming before the court as the court shall direct, and shall report thereon in writing. The probation officer shall take charge of any child before or after the trial or hearing when so directed by the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation, and shall instruct the probationer and other persons responsible for the welfare of the probationer regarding same, and shall enforce all the conditions of probation. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring of reports and in other ways, and shall report upon the progress of each case under his supervision at least monthly to the court. Such officer shall use all suitable methods not inconsistent with the conditions imposed by the court to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work. He shall keep accurate and complete accounts of all moneys collected from persons under his supervision; he shall give receipts therefor, and shall make at least monthly returns thereof; such officer shall make such report to the State Board of Charities and Public Welfare as it may from time to time require, and shall perform such other duties as the court under whose direction such officer is serving shall direct.

Every probation officer shall have all the powers of a peace officer within the jurisdiction of the court which he serves. With the approval or under the direction of the judge of the court in which a probation officer is serving, such officer is authorized and empowered to act as probation officer over any person on probation transferred to his supervision from any other court, and may act as parole officer over any person released from a correctional institution when requested to do so by the authorities thereof and when authorized so to act by the judge of the court in which such probation officer is serving.

C. S. 5052. **Support of child committed to custodial agency.** Whenever any child is committed by the court to the custody of an institution, association, society, or person other than its parent or guardian, compensation for the care of such child when approved by the order of the court, shall be a charge upon the county, but the court may at the issuance and service of an order to show cause on the parent or other person having the duty under the law to support such child adjudge that such parent or other person shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and willful failure to pay such sum may be punished as a contempt of court.

C. S. 5057. **Offenses against children; responsibility of parents and other adults; penalty.** A parent, guardian, or other person having the custody of a child who omits to exercise reasonable diligence in the care, protection, or control of such child, causing it to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State as provided in this act, or who permits such child to associate with vicious, immoral, or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation, or any place where gambling is carried on, or to enter any place which may be injurious to the morals, health or general welfare of such child, and any such person or any other person who knowingly or willfully is responsible for, encourages, aids, causes or connives at, or who knowingly or willfully does any act to produce, promote or contribute to the condition which caused such child to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State, shall be guilty of a misdemeanor.

C. S. 5058. **Appeals.** An appeal may be taken from any judgment or order of the juvenile court to the Superior Court having jurisdiction in the county by the parent or, in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in the two preceding sections of this act whose case has been heard by the juvenile court. Such appeal shall be taken in the manner provided for appeals to the Superior Court: *Provided*, that written notice of such appeal be filed with the juvenile court within five days after the issuance of the judgment or order of such court.

C. S. 5059. **Compensation of judges.** The judge of the juvenile court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the Superior Court.

C. S. 5060. **Co-operation.** It is hereby made the duty of every State, county or municipal official or department to render such assistance and co-operation within his or its jurisdiction or power as shall further the objects of this act. All institutions or other agencies to which any person coming within the provisions of this act may be sent are hereby required to give such information concerning such child to the court or to any other officer appointed by it as said court or official may require for the purposes of this act. The court is authorized to seek the coöperation of all societies, organizations or individuals to the end that the court may be assisted in every way in the discharge of its duties.

C. S. 5061. **Rules.** The court shall have power to devise and publish rules to regulate the procedure in cases coming within the provisions of this act and for the conduct of all probation and other officers of the court in such cases. The court shall devise and cause to be printed for public use such forms for records and for various petitions, orders, processes, and other papers in the cases coming within this act as shall meet the requirements thereof, and all expenses incurred in complying with the provisions of this act shall be a public charge.

C. S. 5053. **Selection of custodial agency.** In committing any child to any institution or other custodial agency other than one supported and controlled by the State or in placing the child under any guardianship other than

that of its natural guardians, the court shall, as far as practicable, select as the custodial agency an institution, society or association governed by persons of like religious faith as the parents of such child or an individual holding the same religious belief.

C. S. 5054. **Modification of judgment; the return of child to parents.** Any order or judgment made by the court in the case of any child shall be subject to such modification from time to time as the court may consider to be for the welfare of such child, except that a child committed to an institution supported and controlled by the State may be released or discharged only by the governing board or officer of such institution.

Any parent or guardian, or if there be no parent or guardian, the next friend of any child who has been or shall hereafter be committed by the court to the custody of an institution, other than an institution supported and controlled by the State, or to the custody of any association, society or person, may at any time file with the court a petition verified by affidavit setting forth under what conditions such child is living, and that application for the release of the child has been made to and denied by such institution, association, society or person, or that institution, association, society or person has failed to act upon such application within a reasonable time. A copy of such petition shall at once be served by the court upon such institution, association, society or person, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the question at issue, and may return such child to the custody of its parents or guardian or direct such institution, association, society or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require.

Any child while under the jurisdiction of the court shall be subject to the visitation of the probation officer or other agent of the court authorized to visit such child.

C. S. 5055. **Appointment of guardians.** Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of any child within the jurisdiction of the court will be promoted by the appointment of an individual as general guardian of its person, when such child is not committed to an institution or to an incorporated society or association, or by the appointment of an individual or corporation as general guardian of its property, the court shall have jurisdiction to make such appointment, either upon the application of the child or of some relative or friend, or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents of such child in such manner and for such time, prior to the hearing, as the court may deem reasonable. In any case arising under this act the court may determine as between parents or others whether the father or mother or what person shall have the custody and direction of said child, subject to the provisions of the preceding section.

C. S. 5056. **Examination and treatment of children found to be mentally defective or in need of medical care.** The court, in its discretion, either before or after a hearing, may cause any child within its jurisdiction to be examined by one or more duly licensed physicians, who shall submit a written report thereon to the court. If it shall appear to the court that any child within the jurisdiction of the court is mentally defective, he may cause

the child to be examined by two licensed physicians, and on the written statement of the two examining physicians that it is their opinion that the child is mentally defective, feebleminded, or epilectic, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feebleminded, or epilectic children, as the case may be. No child shall be committed to such institution unless the parent or parents or the guardian or custodian of such child, if such there be, are given an opportunity for a hearing.

Whenever a child within the jurisdiction of the court and under the provisions of this act appears to the court to be in need of medical or surgical care a suitable order may be made for the treatment of such child in a hospital or otherwise, and the expense thereof, when approved by the court, shall be a charge upon the county or the appropriate subdivision thereof; but the court may adjudge that the person or persons having the duty under the law to support such child shall pay a part or all of the expenses of such treatment as provided in section 5052 of this article.

C. S. 5062. **City juvenile courts and probation officers.** Every city in North Carolina where the population was by the census of one thousand nine hundred and ten, ten thousand or more shall maintain a juvenile court, to which is hereby given the powers, duties, and obligations of this act to be exercised within their territorial boundaries. Such city juvenile courts shall conduct their business in accordance with the procedure set forth in this act as applying to the county juvenile court. It is hereby made the duty of governing bodies of such cities to make provisions for such courts and bear the expense thereof, either by requiring the recorder to act as a juvenile judge, or by the appointment of a separate judge. The governing bodies of such cities shall also appoint one or more assistant probation officers, who shall serve within its jurisdiction under the general supervision of the chief probation officer of the county, which chief probation officer of the county is hereby made the chief probation officer of the city court herein provided for. The salary of the chief juvenile court judge shall be fixed and paid by the governing body of the city, and such governing bodies are hereby given authority to expend such sums from the public funds of the city as may be required to carry this act into effect.

In case it may appear to the governing bodies of such cities herein described that it would be best to allow the county juvenile court to transact the business of the city, they may make such provisions and agreements with the county commissioners for the expense of the joint court as may be agreed upon, and in such event, such a city is hereby permitted to make such arrangement in lieu of establishing a city juvenile court. But in case the county commissioners will not agree to such arrangement, then the city must establish a juvenile court, as provided in this section.

Any town of five thousand population, which is not a county-seat, and in which there is a recorder's court, may, if deemed advisable and necessary by the governing body, provide for the conduct of a juvenile court within the territorial jurisdiction of such recorder's court: *Provided*, that the provisions and procedure of this chapter are fully followed as in case for towns of ten thousand inhabitants.

Chap. 193, Public Laws 1923. **Population for city juvenile court.** That section five thousand and sixty-two of the Consolidated Statutes be amended by striking out the word "ten" when said word first appears in line three, and inserting in lieu thereof the word "twenty."

Rulings of Attorney-General on Juvenile Court Law

STATE OF NORTH CAROLINA
DEPARTMENT OF ATTORNEY-GENERAL
RALEIGH

MR. R. F. BEASLEY, August 19, 1919.
Raleigh, N. C.

DEAR SIR:—During the progress of the Juvenile Court Act (chapter 97, Public Laws 1919) through the houses of the General Assembly, it was amended in the House by striking out the word "eighteen" in line three of section one of the act, and substituting therefor the word "sixteen," and this amendment was agreed to by the Senate. The effect of this amendment was to make section one read as follows:

SECTION 1. *Jurisdiction over children.* The Superior Courts shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in or being at this time within their respective districts.

This amendment was not in terms carried through the rest of the act where the word "eighteen" had been used in designating the age of a child to whom the statute was applicable. Section three, with the subhead "Definitions" to it, still contains the following:

The term "child" shall mean any minor less than eighteen years of age. The term "adult" shall mean any person eighteen years of age or over.

You ask should the amendment of section 1 be construed as applying also to that part of section three quoted above. We think it should. The failure of the Legislature to make the amendment to section three directly was simply inadvertence. The proper construction of the act in the light of the purpose for which it was drawn and the intent of the Legislature to reduce the age of the child over which the juvenile court should have jurisdiction, in our opinion, requires that the amendment should be read into section three as well. This construction subordinates the incidental intent of the Legislature in defining the terms of the act to its main intent in fixing the age of the child to which, and to which only, it was to apply. Any other construction would result in such confusion as materially to interfere with, if not destroy, the beneficent purpose of the whole legislation. In its administration there would necessarily be "confusion worse confounded," whereas, under the construction which we have adopted, the act could, in no case, be made to apply to a child over sixteen years of age.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

MR. GEORGE B. MASON, September 25, 1919.
Solicitor Municipal Court,
Gastonia, N. C.

DEAR SIR:—In reply to yours of September 23d.

Subsection (f) of section 9, chapter 97 of the Public Laws of 1919. The Juvenile Court Act seems intended as a limitation of the general words used theretofore in the act with reference to a child between fourteen and sixteen years of age. If the child is fourteen years of age and is charged with a felony for which the punishment is now fixed by law at not more than ten years in prison, then the primary jurisdiction in the case is in the juvenile court, with authority in this court if it deem it best to transfer the case to the Superior Court in term time, as provided in subsection (f). Where, however, a child between the ages of fourteen and sixteen is charged with a felony, whose punishment may exceed ten years in prison, then, in our opinion, juris-

diction of the juvenile court is excluded and the hearing of the charge is in the courts as constituted before the Juvenile Court Act. In other words, the juvenile court has not jurisdiction in such a case.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

MRS. KATE BURR JOHNSON, April 13, 1923.
Commissioner of Public Welfare,
Raleigh, N. C.

DEAR MRS. JOHNSON:—In reply to yours of April 10th.

In your letter you ask a number of questions, and we take them up *seriatim.*

(1) When a recorder is hearing juvenile court cases, he being also a properly constituted judge of the juvenile court, does he have authority to fine parents, acting in the capacity of a recorder, and at the same time make a disposition of the case of a child, acting in the capacity of the juvenile court judge? In other words, can a recorder handle both parents and child, and dispose of both at one hearing?

We cannot answer this question categorically "Yes" or "No," because there are many limitations to such answer which must be stated, that it may be proper. On February 25, 1922, we wrote you (biennial report 1921-22, p. 189):

> "The fundamental reason why the juvenile court may adopt summary remedies and enforce them by summary proceedings is that delinquent children are wards of the State. If the Legislature had attempted to confer jurisdiction upon the juvenile court to deal in a summary way with adults, where their acts amount to crimes under the general law, such attempt would have been, we think, unconstitutional."

The reason that such act would have been unconstitutional is that the Constitution itself declares that every person charged with a crime shall be informed of the charge and have an opportunity to confront his accuser with testimony in his behalf. If, therefore, a recorder is likewise judge of the juvenile court in the town where his court is located, he may proceed against the children of the class defined in the act under the Juvenile Court Act. If the parent (or parents) of a delinquent child has offended against C. S., sec. 5057, which punishes neglect by parents as specified in the section as a misdemeanor, then the recorder has to proceed against that parent, issuing criminal process, giving him an opportunity to defend the charge, just as he would in any other case. In this he would be acting as the judge of a criminal court with all the consequences that ensue from the exercise of such function. Dealing with the child, though, he would be acting as judge of the juvenile court. If, therefore, he deals with the child and the parent at the same time, this must be a coincident, because he should use different proceedings in each case and exercise different functions in each case.

(2) In the city of Rocky Mount the authorities have established a city juvenile court, as they have a right to do under C. S., section 5062. Upon this you ask:

> "Does this juvenile court judge have authority to handle adult cases, in like manner as the city recorder?"

Excluding cases where he makes proper orders with reference to the control and custody of delinquent children, which orders he may enforce against adults, if properly made, through the exercise of the power of the court when

that exercise is proper under C. S., section 5046, we think this judge of the juvenile court has no more authority than that conferred upon other juvenile courts. He cannot issue criminal warrants against adult persons and try them as though he was sitting as a criminal judge. That must be left to criminal courts.

(3) Does the judge of a juvenile court have authority to order a child to be flogged by the police, and, if so, under what conditions?

To this we answer emphatically, *No.* On May 27, 1921, the question was put to this office as to whether or not the juvenile court could order a parent to flog a delinquent child in the presence of the court, to which we replied as follows:

> "It may be that subsection 5 of C. S., sec. 5047, would permit the juvenile court, where circumstances are such as to require it, to have the father thrash the boy in the presence of the court. If, however, the court has this authority, it seems that it would be more honored in the breach than in the observance. The court has authority to commit a child to the custody of a parent. If the parent is one proper to have this authority, he would accomplish more by administering the punishment privately than he would by outraging the sense of justice of this little irresponsible Arab by a thrashing in public. It is an exceedingly difficult situation which can be dealt with only by wise forbearance and full consideration for the point of view of the boy, accompanied by firmness where such firmness is required."

Much more, then, do we think it would be an outrage upon the delinquent child for the court to have him flogged publicly by a police officer, or privately by a police officer. The Juvenile Court Act is based upon the fundamental idea that the proceedings allowed therein are not for the punishment of the delinquent child, but for his protection and training. It is the State acting as a parent when dealing with them. We are very clear, then, that these courts should never in any instance require these delinquents to be punished by flogging, administered by a police officer.

(4) What are costs in these juvenile court cases?

The statute is wholly silent as to this. It nowhere says that officers serving the processes of such court shall be entitled to fees similar to those received in other courts. Indeed, C. S., sec. 5046 declares:

> "The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed by the court, but the papers may be served by any person delegated by the court for that purpose."

The statute thus leaves the question of cost up in the air, so to speak. On February 21, 1920, we attempted to deal with this question for Mr. Beasley, the former Commissioner of Public Welfare. See opinion at page 149 of the biennial report for 1918-20. Mr. Beasley, in a letter to this office, assumed that the Juvenile Court Act provided no fees for the service of the processes of these courts, and upon that assumption we acted. It is unnecessary to quote that opinion in full, as you have a copy of the report.

It is a general rule that public officers for public service are entitled only to those fees specifically or by necessary implication provided by statute, and it is very clear that the Legislature may impose other duties upon existing public officers without providing any compensation for the performance of the duties. If it should be suggested, however, that such officers, by necessary implication, are entitled to the fees provided for the service of processes of other courts, in serving processes of juvenile courts, we admit that there is force in this suggestion. The difficulty we have, however, if this should

be assumed, is that it is not possible to determine with absolute definiteness what those fees should be in a particular case. The statute itself seems to contemplate that the probation officer should serve these papers, but if not, that they should be served by the sheriff or other proper officer without compensation. We admit that this conclusion is subject to very serious doubt, which can only be solved by a decision of the court.

Very truly yours,
(Signed) James S. Manning,
Attorney-General.

N/T.

Mrs. Kate Burr Johnson, March 7, 1923.
Commissioner of Public Welfare,
Raleigh, N. C.

Dear Madam:—Through Mr. Brown, of your Department, you submit the following question to this office:

A, a juvenile delinquent, is brought before a juvenile court charged with the larceny of $5.00. The father of the child is brought into court also under C. S., sec. 5044. After an investigation the juvenile court found that the child had stolen the $5.00; can the court under such circumstances make an enforcible order that the father of A shall return the $5.00 stolen to the person from whom it was stolen?

We think the juvenile court cannot enforce this order against the father, if he refuses to comply with it. If he should refuse to comply, there is no machinery provided by the general law or the Juvenile Court Act to enforce the judgment against him. Of course, all properly constituted fathers would be glad to conform to the order of the court under such circumstances, but we know no rule of law which would compel the father, who had taken no part in the theft, either in instigating it or in receiving the fruits thereof, to restore the stolen property.

Very truly yours,
(Signed) James S. Manning,
Attorney-General.

N/T

Mrs. Clarence A. Johnson, August 20, 1921.
Superintendent Public Welfare,
Raleigh, N. C.

Dear Mrs. Johnson:—Chapter 128, Public Laws of 1921, contains this provision:

> "On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years, and until his successor is elected and qualified . . . The person elected county superintendent of public welfare shall be qualified by character, fitness, and experience to well discharge the duties thereof. No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare."

In our letter to you of July 7th interpreting the terms "joint session," we wrote as follows:

> "There are two legal deductions from the use of the terms "joint session" in the connection in which they are used: First, there must be a quorum of both the board of education and of the board of county

commissioners present before a joint session can be held, and second, these quorums being present, the various members of the two bodies, when in joint session, vote as individuals composing the joint meeting."

As, in many of the counties of the State, the board of county commissioners is composed of five members, whereas the county board of education is composed of three members, the former body in these counties, necessarily has a controlling influence in the selection of a county superintendent of welfare. For this reason the Legislature further declared:

"It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible result in carrying out the intention of this act."

As a further protection against the improvident or unwise action of the joint session, the act submits the election of the county public welfare officer to the State Board of Charities and Public Welfare, as quoted above. You ask the opinion of this office as to the extent of this veto power. It seems to us that the statute itself is specific in this regard. "The person elected county superintendent of public welfare shall be qualified by character, fitness, and experience to well discharge the duties thereof." It is a very important office, and the whole purpose of the act may be frustrated in a particular county, by the election of an improper, unfit, or inexperienced person. The determination of fitness is placed by the Legislature wholly in the power of the State Board of Charities and Public Welfare. We do not interpret the word "experience" as requiring that the person elected should have been an incumbent of the office before, but as requiring that person to have manifested his sympathy with the general purposes of the act by his previous experience.

As we have heretofore ruled, we regard the time of election, second Monday in July, as directory and not mandatory, so an election held on the second Monday of August would not be void unless for some reason an adequate quorum, as heretofore defined to you, is not present at that time.

We return herewith the two letters left with us.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney-General.

N/H

MRS. KATE BURR JOHNSON, August 30, 1923.
Commissioner of Public Welfare,
Raleigh, N. C.

DEAR MADAM:—You inquire of this office whether or not a juvenile court has jurisdiction to put an adult upon probation. We think it very clear that it has not. C. S., section 5050, is so drawn as to assume that an adult could be put upon probation. Nowhere else in the statute, however, is there any machinery provided for such probation. The terms "or adult" in the section were no doubt incorporated in it through inadvertence, and so do not confer authority in the absence of other legislation upon the juvenile court to put an adult upon probation.

Very truly yours,
(Signed) JAMES S. MANNING,
Attorney-General.

N/T

BASTARDY

C. S. 265. **Justices have jurisdiction; when warrant issued.** Justices of the peace of the several counties have exclusive original jurisdiction to issue, try and determine all proceedings in cases of bastardy in their respect-

ive counties. A warrant in bastardy shall be issued only upon the voluntary affidavit and complaint of the mother of the bastard; or, upon the affidavit of one of the county commissioners, setting forth the fact that the bastard is likely to become a county charge.

C. S. 266. **Complaint as to bastard by county commissioner.** When complaint is made on affidavit by a county commissioner to a justice of the peace of the county in which the woman resides, that any single woman within his county is big with child, or delivered of a child, the justice may cause her to be brought before him, or any other justice of the county, to be examined upon oath respecting the father. If she refuses to declare the father, she shall pay a fine of five dollars and give bond, payable to the State, with sufficient surety to keep such child from being chargeable to the county; otherwise, she shall be committed to prison until she shall declare the same, or pay the fine aforesaid and give such bond.

C. S. 267. **Woman declaring father; issue of paternity; appeal.** If any woman, upon oath, accuses any man of being the father of her bastard child, the justice before whom such oath is made shall cause him to be brought before some justice of the peace of such county to answer the charge. If he denies, upon oath, that he is the father of such child, the justice shall proceed to try the issue of paternity, and if it is found that he is the father of the child, or if he does not deny upon oath, that he is the father of the child, then he shall stand charged with the maintenance thereof, as the court may order, and shall give bond, with sufficient surety, payable to the State, to perform said order, and to indemnify the county where such child is born from charges for his maintenance, and may be committed to prison until he finds surety for the same, and shall be liable for the costs of the issue or proceeding. From this judgment and finding the affiant, the woman or the defendant may appeal to the next term of the Superior Court of the county, where the trial is to be had *de novo*.

C. S. 268. **Judgment on appeal to Superior Court against putative father.** If the jury at term finds that the person accused is the father of the child, then the judge shall make the order for the maintenance and for costs of proceedings, and shall take bond from the defendant and his sureties for the maintenance of the child and to indemnify the county and pay the costs; and, in default thereof, may imprison the defendant.

C. S. 269. **Woman's examination presumptive evidence.** Upon the trial of the issue of paternity, whether before the justice or at term, the examination of the woman taken and returned shall be presumptive evidence against the person accused, subject to be rebutted by other evidence which may be introduced by the defendant.

C. S. 270. **Upon appeal parties and witnesses recognized.** When an appeal is taken the justice shall recognize the person accused of being the father of the child with sufficient surety for his appearance at the next term of the Superior Court for the county, and to abide by and perform the order of the court. The justice shall also recognize the woman and other witnesses to appear at the Superior Court, and shall return to the court the original papers in the proceeding, and a transcript of his proceedings as required in other cases of appeal. If the putative father fails to appear, unless for good cause shown, the judge shall direct the issue of paternity to be tried. If the issue is found against the person accused, he shall order a *capias* or attachment to be issued for the father, and may also enter up judgment against the father and his surety on his recognizance.

C. S. 271. **Putative father out of county.** If the putative father escapes or is in any other county than that of the justice issuing the warrant, it shall be issued, indorsed, executed and returned as provided for warrants in criminal actions.

C. S. 272. **Continuance till birth of child.** When the judge or justice, as the case may be, trying the issue of paternity, deems it proper, he may continue the case until the woman is delivered of the child. When a continuance is granted, the court shall recognize the person accused of being the father of the child with surety for his appearance either at the next term of the court or at a time to be fixed by the justice granting the continuance, which shall be after the delivery of the woman.

C. S. 273, amended by Chap. 109, P. L. 1921. **Allowance and bond.** When the issue of paternity is found against the putative father, or when he admits the paternity, the judge or justice shall make an allowance to the woman not exceeding the sum of two hundred dollars, to be paid in such installments as the judge or justice shall see fit, and he shall give bond to indemnify the county as prescribed by law; and in default of such payments he shall be committed to prison.

C. S. 274. **Action barred in three years after birth.** All examinations upon oath to charge any man with being the father of a bastard child shall be taken within three years next after the birth of the child, and not after.

C. S. 275. **Execution for maintenance.** When the judge or justice charges the father of a bastard child with its maintenance and the father neglects to pay the same, then the judge or justice, upon application of the party aggrieved, notice being served on the defendant at least ten days before the return day stated in the notice, or such notice being returned by the sheriff or constable that the defendant is not to be found, may order an execution against the property of the father for such sum as the court shall adjudge sufficient for the maintenance of the bastard child.

C. S. 276. **Putative father when committed or apprenticed.** In all cases arising under this chapter, when the putative father is charged with costs or the payment of money for the support of a bastard child, and he is, by law, subject to be committed to prison in default of paying the same, it is competent for the court to sentence him to the house of correction for such time not exceeding twelve months, as the court may deem proper. The putative father, at his discretion, instead of being committed to prison or to the house of correction, may bind himself as an apprentice to any person whom he may select, for such time and at such price as the court may direct. The binding shall be by indenture in open court, and the price obtained shall be paid to the county treasurer. On the indenture being signed by the judge of the court and by the master receiving such apprentice, the person thus bound shall be treated and regarded as an apprentice in all matters except education.

C. S. 277. **Legitimation of bastards.** The putative father of any illegitimate child may apply by petition in writing to the Superior Court of the county in which he resides, praying that such child may be declared legitimate; and if it appears that the petitioner is reputed the father of the child, the court may thereupon declare and pronounce the child legitimated; and the clerk shall record the decree.

C. S. 278. **Effects of legitimation.** The effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child to inherit from the father only his real estate, and also to entitle such child to the personal estate of his father, in the same manner as if he had been born in lawful wedlock. In case of death and intestacy, the real and personal estate of such child shall be transmitted and distributed according to the statute of descents and distribution among those who would be his heirs and next of kin in case he had been born in lawful wedlock.

C. S. 279. **Legitimation by subsequent marriage.** When the mother of any bastard child and the reputed father of such child shall intermarry or shall have intermarried at any time after the birth of such child, the child shall in all respects, after such intermarriage, be deemed and held to be legitimate and entitled to all the rights in and to the estate, real and personal, of its father and mother that it would have had had it been born in lawful wedlock.

Supreme Court decisions—*Bastardy is a civil action, in the nature of police regulation: State v. Currie, 161-275. The intention of proceedings in bastardy is to secure to the mother her probable expense or to reimburse her actual outlay, even though the child die at birth: State v. Addington, 143-683; and if the child live, to indemnify the county against loss: State v. Brown, 46-130. Resemblance of child and accused competent evidence: State v. Horton, 100-443.*

MISCELLANEOUS LAWS AFFECTING THE CHILD IN ITS RELATION TO THE FAMILY

C. S. 4445. **Separating child under six months from mother.** It shall be unlawful for any person to separate or aid in separating any child under six months old from its mother for the purpose of placing such child in a foster home or institution, or with the intent of removing it from the State for such purpose, unless the consent in writing for such separation shall have been obtained from the clerk of the Superior Court and county health officer of the county in which the mother resides, or of the county in which the child was born; and it shall be unlawful for any mother to surrender her child for such purpose without first having obtained such consent.

Any person violating this section shall, upon conviction, be fined not exceeding five hundred dollars or imprisoned for one year, or both, in the discretion of the court.

ABANDONMENT

C. S. 4447. **Abandonment of family by husband.** If any husband shall willfully abandon his wife without providing adequate support for such wife, and the children which he may have begotten upon her, he shall be guilty of a misdemeanor.

C. S. 4448. **Evidence that abandonment was willful.** If the fact of abandonment of and failure to provide adequate support for the wife and children shall be proved, or while being with such wife, neglect by the husband to provide for the adequate support of such wife or children shall be proved, then the fact that such husband neglects applying himself to some honest calling for the support of himself and family, and is found sauntering about, endeavoring to maintain himself by gaming or other undue means, or is a common frequenter of drinking houses, or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is willful.

C. S. 4449. **Order of support from husband's property or earnings.** Upon any conviction for abandonment, any judge or any recorder having jurisdiction thereof may, in his discretion, make such order as in his judgment will best provide for the support, as far as may be necessary, of the deserted wife or children, or both, from the property or labor of the defendant.

C. S. 4450. **Failure of husband to provide adequate support for family.** If any husband, while living with his wife, shall willfully neglect to provide adequate support for such wife or children which he has begotten upon her, he shall be guilty of a misdemeanor.

ADOPTION OF MINORS

C. S. 182. **Petition for adoption; contents.** Any person desiring to adopt any minor child may file a petition in the Superior Court of the county wherein such child resides, setting forth the name and age of such child and the name of its parents, whether the parents or either of them are living, and if there is no living parent, the name of the guardian, if any, and if there is no guardian, the name of the preson having charge of the child or with whom such child resides, the amount and nature of the child's estate, if any, and especially if the adoption is for the minority or for the life of the child.

C. S. 183. **Parties to proceedings.** The parent or guardian, or the person having charge of such child, or with whom it may reside, must be a party of record in this proceeding.

C. S. 184. **Order and letters of adoption.** Upon the filing of such petition, and with the consent of the parent or parents, if living, or of the guardian, if any, or of the person with whom such child resides, or who may have charge of such child, the court may, if the petitioner is a proper and suitable person, sanction and allow such adoption by an order granting letters of adoption.

C. S. 185. **Effect of order; child's right of succession.** Such order, when made, shall have the effect forthwith to establish the relation of parent and child between the petitioner and the child during minority or for life of such child, according to the prayer of the petition, with all the duties, powers and rights belonging to the relationship of parent and child, and in case the adoption be for the life of the child, and the petitioner die intestate, such order shall have the further effect to enable such child to inherit the real estate and entitle it to the personal estate of the petitioner in the same manner and to the same extent such child would have been entitled to if such child had been the actual child of the person adopting it. The child shall not inherit and be entitled to the personal estate, if the petitioner especially sets forth in his petition such to be his desire and intention.

C. S. 186. **Change of child's name.** For proper cause shown in the petition the court may decree that the name of the child shall be changed to that of the petitioner.

C. S. 187. **Bond to secure orphan's property.** If the child is an orphan and without guardian, and possesses any estate, the court shall require from the petitioner such bond as is required by law to be given by guardians.

C. S. 188. **Record of order; revocation.** The order granting letters of adoption shall be recorded in the office of the clerk of the Superior Court of the county in which it is made, and may be revoked at any time by the court for good cause shown.

C. S. 189. **Abandonment by parent; custody forfeited.** In all cases where the parent or parents of any child has willfully abandoned the care, custody, nurture and maintenance of the child to kindred, relatives or other persons, such parent or parents shall be deemed to have forfeited all rights and privileges with respect to care, custody and services to such child.

C. S. 190. **Restoration of parent's rights.** The rights and privileges of such parent may be restored by the voluntary surrender of such child by the person in whose care and custody such child may be, or by order of any judge of the Superior Court in the district in which such child may be when it appears to the satisfaction of such judge that the interest and welfare of such child will not be materially prejudiced by such restoration. The person having the care and custody of any such child shall have at least ten days notice of the time and place of the hearing of the application for such order of restoration, and shall be permitted to resist the same.

C. S. 191. **Procuring possession of child unlawfully.** Any parent whose rights and privileges have been forfeited as provided by the second preceding section, who shall procure the possession and custody of such child, with respect to whom his rights and privileges are forfeited, otherwise than as by law provided, shall be guilty of a crime and shall be punished as for abduction.

Guardian and Ward

Art. 1. *Jurisdiction in Matter of Guardianship*

C. S. 2150. **Jurisdiction in clerk of Superior Court.** The clerks of the Superior Court within their respective counties have full power, from time to time, to take cognizance of all matters concerning orphans and their estates, and to appoint guardians in all cases of infants, idiots, lunatics, inebriates, and inmates of the Caswell Training School.

Art. 2. *Creation and Termination of Guardianship*

C. S. 2151, amended by Chap. 21, Public Laws Extra Session 1920. **Appointment by parents; effect; powers and duties of guardian.** Any father, though he be a minor, may, by deed executed in his lifetime and with the written consent and privy examination of the mother, if she be living, or by his last will and testament in writing, if the mother be dead, dispose of the custody and tuition of any of his infant children, being unmarried, and whether born at his death or in *ventre sa mere*, for such time as the children may remain under twenty-one years of age, or for any less time. Or in case the father is dead and has not exercised his said right of appointment, or has willfully abandoned his wife, then the mother, whether of full age or minor, may do so. Every such appointment shall be good and effectual against any person claiming the custody and tuition of such child or children. Every guardian by deed or will shall have the same powers and rights and be subject to the same liabilities and regulations as other guardians.

C. S. 2152. **Natural guardianship on death of father.** In case of the death of the father of an infant, the mother of such child surviving such father shall immediately become the natural guardian of such child to the same extent and in the same manner, plight and condition as the father would be if living; and the mother in such case shall have all the powers, rights and privileges, and be subject to all the duties and obligations of a natural guardian. But this shall not be construed as abridging the powers of the courts over minors and their estates and to the appointment of guardians.

C. S. 2153. **Appointment on divorce of parents.** When parents are divorced and a child is entitled to any estate, the court granting the divorce must certify that fact to the clerk of the Superior Court, to the end that he may appoint a fit and proper person to take the care and management of such estate, whose powers and duties shall be the same in all respects as other guardians, except that a guardian so appointed shall not have any authority over the person of such child, unless the guardian be the father or mother.

C. S. 2154. **Appointment when father living.** The clerk of the Superior Court may appoint a guardian of the estate of any minor, although the father of such minor be living. And the guardian so appointed shall be governed in all respects by the laws relative to guardians of the estate in other cases, but shall have no authority over the person of such minor.

C. S. 2155. **Separate appointment for person and estate; yearly support specified; payments allowed in accounting.** Instead of granting general guardianship to one person, the clerk of the Superior Court may commit the tuition and custody of the person to one and the charge of his estate to another, whenever and at any time during minority, inebriety, idiocy or lunacy, it appears most conducive to the proper care of the orphan's, inebriate's, idiot's, or lunatic's estate, and to his suitable maintenance, nurture and education. In such cases the clerk must order what yearly sums of money or other provisions shall be allowed for the support and education of the orphan, or for the maintenance of the idiot, lunatic or inebriate, and must prescribe the time and manner of paying the same; but such allowance may, upon application and satisfactory proof made, be reduced or enlarged, or otherwise modified, as the ward's condition in life and the kind and value of his estate may require. All payments made by the guardian of the estate to the tutor of the person, according to any such order, shall be deemed just disbursements and be allowed in the settlement of his accounts; but for the payment thereof by the one and the receipt thereof by the other merely, no commissions shall be allowed to either, though commissions may be allowed to the tutor of the person on his disbursements only.

C. S. 2156. **Proceedings on application for guardianship.** On application to any clerk of the Superior Court for the custody and guardianship of any infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, it is the duty of such clerk to inform himself of the circumstances of the case on the oath of the applicant, or of any other person, and if none of the relatives of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School are present at such application, the clerk must assign, or for any other good cause he may assign, a day for the hearing; and he shall thereupon direct notice thereof to be given to such of the relatives and to such other persons, if any, as he may deem it proper to notify. On the hearing he shall ascertain, on oath, the amount of the property, real and personal, of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, and the value of the rents and profits of the real estate, and he may grant or refuse the application, or commit the guardianship to some other person, as he may think best for the interest of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School.

C. S. 2157. **Letters of guardianship.** The clerk of the Superior Court must issue to every guardian appointed by him a letter of appointment, which shall be signed by him and sealed with the seal of his office.

C. S. 2158. **Removal by clerk.** The clerks of the Superior Court have power, on information or complaint made, at all times to remove guardians and appoint successors, to make and establish rules for the better ordering, managing and securing infants' estates, and for the better education and maintenance of wards; and it is their duty to do so in the following cases:

1. Where the guardian wastes or converts the money or estate of the ward to his own use.

2. Where the guardian in any manner mismanages the estate.

3. Where the guardian is about or intends to marry any ward in disparagement.

4. Where the guardian neglects to educate or maintain the ward in a manner suitable to his or her degree.

5. Where the guardian is legally disqualified to act as a person would be to be appointed administrator.

6. Where the guardian or his sureties are likely to become insolvent or nonresidents of the State.

C. S. 2159. **Interlocutory orders on revocation.** In all cases where the letters of a guardian are revoked, the clerk of the Superior Court may, from time to time, pending any controversy in respect to such removal, make such interlocutory orders and decrees as will tend to the better securing the estate of the ward, or other party seeking relief by such revocation.

C. S. 2160. **Resignation; effect; accounting on resignation.** Any guardian wishing to resign his trust may apply in writing to the Superior Court, setting forth the circumstances of his case. If, at the time of making the application, he also exhibits his final account for settlement, and if the clerk of the Superior Court is satisfied that the guardian has been faithful and has truly accounted, and if a competent person can be procured to succeed in the guardianship, the clerk of the Superior Court may accept the resignation of the guardian and discharge him from the trust. But the guardian so discharged and his sureties are still liable in relation to all matters connected with the trust before the resignation.

Art. 3. *Guardian's Bond*

C. S. 2161. **Bond to be given before receiving property.** No guardian appointed for an infant, idiot, lunatic, insane person or inebriate, shall be permitted to receive property of the infant, lunatic, idiot, insane person or inebriate until he shall have given sufficient security, approved by a judge, or the court, to account for and apply the same under the direction of the court.

C. S. 2162. **Terms and conditions of bond; increased on sale of realty.** Every guardian of the estate, before letters of appointment are issued to him, must give a bond payable to the State, with two or more sufficient sureties, to be acknowledged before and approved by the clerk of the Superior Court, and to be jointly and severally bound. The penalty in such bond must be double, at least, the value of all personal property and the rents and profits issuing from the real estate of the infant, which value is to be ascertained by the clerk of the Superior Court by the examination, on oath, of the applicant for guardianship, or of any other person. The bond must be conditioned that such guardian shall faithfully execute the trust reposed in him as such, and obey all lawful orders of the clerk or judge touching the guardianship of the

estate committed to him. If, on application by the guardian, the court or judge shall decree a sale for any of the causes prescribed by law of the property of such infant, idiot, lunatic, or insane person, before such sale be confirmed, the guardian shall be required to file a bond as now required in double the amount of the real property so sold.

C. S. 2163. **To be recorded in clerk's office; action on bond.** The bond so taken shall be recorded in the office of the clerk of the Superior Court appointing the guardian; and any person injured by a breach of the condition thereof may prosecute a suit thereon, as in other actions.

C. S. 2164. **Where several wards with estate in common, one bond sufficient.** When the same person is appointed guardian to two or more minors, idiots, lunatics or insane persons possessed of one estate in common, the clerk of the Superior Court may take one bond only in such case, upon which each of the minors or persons for whose benefit the bond is given, or their heirs or personal representatives, may have a separate action.

C. S. 2165. **Renewal of bond every three years; enforcing renewal.** Every guardian shall renew his bond before the clerk of the Superior Court every three years, during the continuance of the guardianship. The clerk of the Superior Court shall issue a citation against every guardian failing to renew his bond, requiring such guardian to renew his bond within twenty days after service of the citation; and on return of the citation duly served and failure of the guardian to comply therewith, the clerk shall remove him and appoint a successor.

C. S. 2166. **Relief of endangered sureties.** Any surety of a guardian, who is in danger of sustaining loss by his suretyship, may file his complaint before the clerk of the Superior Court where the guardianship was granted, setting forth the circumstances of his case and demanding relief; and thereupon the guardian shall be required to answer the complaint within twenty days after service of the summons. If, upon the hearing, the clerk of the Superior Court deem the surety entitled to relief, the same may be granted by compelling the guardian to give a new bond, or to indemnify the surety against apprehended loss, or by the removal of the guardian from his trust; and in case the guardian fail to give a new bond or security to indemnify when required to do so within reasonable time, the clerk of the Superior Court must enter a peremptory order for his removal, and his authority as guardian shall thereupon cease.

C. S. 2167. **Liability of clerk for taking insufficient bond.** If any clerk of the Superior Court shall commit the estate of an infant, idiot, lunatic, insane person or inebriate to the charge or guardianship of any person without taking good and sufficient security for the same as directed by law, such clerk shall be liable, on his official bond, at the suit of the party aggrieved, for all loss and damages sustained for want of security being taken; but if the sureties were good at the time of their being accepted, the clerk of the Superior Court shall not be liable.

C. S. 2168. **Liability of clerk for other defaults.** If any clerk of the Superior Court shall willfully or negligently do, or omit to do, any other act prohibited, or other duty imposed on him by law, by which act or omission the estate of any ward suffers damage, he shall be liable therefor as directed in the preceding section.

ART. 4. *Powers and Duties of Guardian*

C. S. 2169. **To take charge of estate.** Every guardian shall take possession, for the use of the ward, of all his estate, and may bring all necessary actions therefor.

C. S. 2170. **To sell perishable goods on order of clerk.** Every guardian shall sell, by order of the clerk of the Superior Court, all such goods and chattels of his ward as may be liable to perish or be the worse for keeping. Every such order shall be entered in the order record of the Superior Court and must contain a descriptive list of the property to be sold, with the terms of sale.

C. S. 2171. **How sales and rentals made.** All sales and rentings by guardians shall be publicly made, between the hours of ten o'clock a. m. and four o'clock p. m., after twenty days notice, posted at the courthouse and four other public places in the county. But, upon petition by the guardian, the clerk of the Superior Court of the county in which the land of the ward is situated, or of the county wherein the guardian has qualified, may make an order, on satisfactory evidence, upon the oath of at least two disinterested freeholders acquainted with the said land, that the best interests of the said ward will be subserved by a private renting of said land, allowing the guardian to rent the land privately. The terms of all such rentings shall be reported to said clerk of the Superior Court and be approved by him. In cases where guardians have heretofore rented their ward's land at private rentings in good faith and for the benefit of the ward's estate, they shall not be liable to the penalty heretofore prescribed by law. The proceeds of all sales of personal estate and rentings of real property, except the rentings of lands leased for agricultural purposes, when not for cash, shall be secured by bond and good security.

C. S. 2172. **When lands may be leased.** The guardian may lease the lands of an infant for a term not exceeding the end of the current year in which the infant shall come of age, or die in nonage. But no guardian, without leave of the clerk of the Superior Court, shall lease any land of his ward without impeachment of waste, or for a term of more than three years, unless at a rent not less than three per centum on the assessed taxable value of the land.

C. S. 2173. **When guardians to cultivate lands of wards.** Where any parent of a minor child qualifies as guardian of such child, and the ward owns or is entitled to the possession of any real estate used or which may be used for agricultural purposes, such guardian may make application to the clerk of the Superior Court of the county wherein the land is situate for permission to cultivate it, and the petition shall set forth the nature, extent and location of the same. It shall then be the duty of the clerk to appoint three disinterested resident freeholders, who shall go upon the land and, after being sworn to act impartially, assess the annual rental value thereof. The commissioners shall report their proceedings and findings to the clerk within ten days after the notification of their appointment, and if the clerk shall deem the same to be the interest of the ward he shall make an order allowing the guardian to cultivate the land for a term not exceeding three years at the annual rental value assessed by the commissioners to be paid to the ward by the guardian. The term, however, shall not extend beyond the minority of the minor. The commissioners shall receive as compensation for said services the same fees as are allowed commissioners in partition of real estate.

C. S. 2174. **When timber may be sold.** In case the land cannot be rented for enough to pay the taxes and other dues thereof, and there is not money sufficient for that purpose, the guardian, with the consent of the clerk of the Superior Court, may annually dispose of or use so much of the lightwood, and box or rent so many pine trees, or sell so much of the timber on the same, as may raise enough to pay the taxes and other duties thereon, and no more.

C. S. 2175. **Plate and jewelry to be kept.** All plate and jewelry shall be preserved and delivered to the ward at age, in kind, according to weight and quantity.

C. S. 2176. **Personal representative of guardian to pay over to clerk.** In all cases where a guardian of any minor child or of an idiot, lunatic, inebriate or insane person dies, it is competent for the executor or administrator of such deceased guardian, at any time after the grant of letters testamentary or of administration, to pay into the office of the clerk of the Superior Court of the county where such deceased guardian was appointed, any moneys belonging to any such minor child, idiot, lunatic, insane person or inebriate, and any such payment shall have the effect to discharge the estate of said deceased guardian and his sureties upon his guardian bond to the extent of the amount so paid.

C. S. 2177. **Collection of claims; duty and liability.** Every guardian shall diligently endeavor to collect, by all lawful means, all bonds, notes, obligations or moneys due his ward when any debtor or his sureties are likely to become insolvent, on pain of being liable for the same.

C. S. 2178. **Liability for lands sold for taxes.** If any guardian suffer his ward's lands to lapse or become forfeited or be sold for nonpayment of taxes or other dues, he shall be liable to answer for the full value thereof to his ward.

C. S. 2179. **Liability for costs.** All fees and costs of the Superior Court for issuing orders, citations, summonses or other process against guardians for their supposed defaults shall be paid by the party found in default.

ART. 5. *Sales of Ward's Estate*

C. S. 2180. **Special proceedings to sell; judge's approval required.** On application of the guardian by petition, verified upon oath, to the Superior Court, showing that the interest of the ward would be materially promoted by the sale or mortgage of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings; and the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale or mortgage be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward; but no sale or mortgage shall be made until approved by the judge of the court, nor shall the same be valid, nor any conveyance of the title made, unless confirmed and directed by the judge, and the proceeds of the sale or mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify. The guardian may not mortgage the property of his ward for a term of years exceeding the minority of the ward. The word "mortgage" wherever used herein shall be construed to include deeds in trust.

C. S. 2181. **Fund from sale has character of estate sold and subject to same trusts.** Whenever, in consequence of any sale under the preceding section, the real or personal property of the ward is saved from demands to which in the first instance it may be liable, the final decree shall declare and set apart a portion of the personal or real estate thus saved, of value equal to the real and personal estate sold, as property exchanged for that sold; and in all such cases of sale, whereby real is substituted by personal, or personal by real property, the beneficial interest in the property acquired shall be enjoyed, alienated, devised or bequeathed, and shall descend and be distributed, as by law the property sold might and would have been had it not been sold, until it be reconverted from the character thus impressed upon it by some act of the owner and restored to its character proper.

C. S. 2182. **Sale of ward's estate to make assets.** When a guardian has notice of a debt or demand against the estate of his ward, he may apply by petition, setting forth the facts, to the clerk of the Superior Court wherein the guardianship was granted, for an order to sell so much of the personal or real estate as may be sufficient to discharge such debt or demand; and the order of the court shall particularly specify what property is to be sold and the terms of sale; but no real estate shall be sold under this section, in any case, without the revision and confirmation of the order therefor by the judge of the Superior Court. The proceeds of sale under this section shall be considered as assets in the hands of the guardian for the benefit of creditors, in like manner as assets in the hands of a personal representative; and the same proceedings may be had against the guardian with respect to such assets as might be taken against an executor, administrator or collector in similar cases.

Art. 6. *Returns and Accounting*

C. S. 2183. **Return within three months.** Every guardian, within three months after his appointment, shall exhibit an account, upon oath, of the estate of his ward, to the clerk of the Superior Court; but such time may be extended by the clerk of the Superior Court, on good cause shown, not exceeding six months.

C. S. 2184. **Procedure to compel return.** In cases of default to exhibit the return required by the preceding section, the clerk of the Superior Court must issue an order requiring the guardian to file such return forthwith, or to show cause why an attachment should not issue against him. If, after due service of the order, the guardian does not, on the return day of the order, file such return, or obtain further time to file the same, the clerk of the Superior Court shall issue an attachment against him, and commit him to the common jail of the county till he files such return.

C. S. 2185. **Additional assets to be returned.** Whenever further property of any kind, not included in any previous return, comes to the hands or knowledge of any guardian, he must cause the same to be returned within three months after the possession or discovery thereof; and the making of such return of new assets, from time to time, may be enforced in the same manner as prescribed in the preceding section.

C. S. 2186. **Annual accounts.** Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk of the Superior Court an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past

year in the form of debit and credit. He must produce vouchers for all payments. The clerk of the Superior Court may examine on oath such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate; and having carefully revised and audited such account, if he approve the same, he must indorse his approval thereon, which shall be deemed *prima facie* evidence of correctness.

C. S. 2187. **Procedure to compel accounting.** If any guardian omit to account, as directed in the preceding section, or renders an insufficient and unsatisfactory account, the clerk of the Superior Court shall forthwith order such guardian to render a full and satisfactory account, as required by law, within twenty days after service of the order. Upon return of the order, duly served, if such guardian fail to appear or refuse to exhibit such account, the clerk of the Superior Court may issue an attachment against him for contempt and commit him till he exhibits such account, and may likewise remove him from office.

C. S. 2188. **Final account.** A guardian may be required to file such account at any time after six months from the ward's coming of full age or the cessation of the guardianship; but such account may be filed voluntarily at any time, and, whether the accounting be voluntary or compulsory, it shall be audited and recorded by the clerk of the Superior Court.

C. S. 2189. **Expenses and disbursements credited to guardian.** Every guardian may charge in his annual account all reasonable disbursements and expenses; and if it appear that he has really and *bona fide* disbursed more in one year than the profits of the ward's estate, for his education and maintenance, the guardian shall be allowed and paid for the same out of the profits of the estate in any other year; but such disbursements must, in all cases, be suitable to the degree and circumstances of the estate of the ward.

C. S. 2190. **Commissions.** The Superior Court shall allow commissions to the guardian for his time and trouble in the management of the ward's estate, in the same manner and under the same rules and restrictions as allowances are made to executors, administrators and collectors.

ART. 7. *Public Guardians*

C. S. 2191. **Appointment; term; oath.** There may be in every county a public guardian, to be appointed by the clerk of the Superior Court for a term of eight years. The public guardian shall take and subscribe an oath (or affirmation) faithfully and honestly to discharge the duties imposed upon him; the oath so taken and subscribed shall be filed in the office of the clerk of the Superior Court.

C. S. 2192. **Bond of public guardian; increasing bond.** The public guardian shall enter into bond with three or more sureties, approved by the clerk in the penal sum of six thousand dollars, payable to the State of North Carolina, conditioned faithfully to perform the duties of his office and obey all lawful orders of the Superior or other courts touching said guardianship of all wards, money or estate that may come into his hands. Whenever the aggregate value of the real and personal estate belonging to his several wards exceeds one-half the bond herein required the clerk of the Superior Court shall require him to enlarge his bond in amount so as to cover at least double the aggregate amount under his control as guardian.

C. S. 2193. **Powers, duties, liabilities, compensation.** The powers and duties of said public guardian shall be the same as other guardians, and he shall be subject to the same liabilities as other guardians under the existing laws, and shall receive the same compensation as other guardians.

C. S. 2194. **When letters issue to public guardian.** The public guardian shall apply for and obtain letters of guardianship in the following cases:

1. When a period of six months has elapsed from the discovery of any property belonging to any minor, idiot, lunatic, insane person or inebriate, without guardian.

2. When any person entitled to letters of guardianship shall request in writing the clerk of the Superior Court to issue letters to the public guardian; but it is lawful and the duty of the clerk of the Superior Court to revoke said letters of guardianship at any time after issuing the same upon application in writing by any person entitled to qualify as guardian, setting forth a sufficient cause for such revocation.

ART. 8. *Foreign Guardians*

C. S. 2195. **Right to removal of ward's personalty from State.** Where any ward, idiot, lunatic or insane person, residing in another state or territory, or in the District of Columbia, or Canada, or other foreign country, is entitled to any personal estate in this State, or personal property substituted for realty by decree of court, or to any money arising from the sale of real estate, whether the same be in the hands of any guardian residing in this State, or of any executor, administrator or other person holding for the ward, idiot, lunatic, or insane person, or if the same (not being adversely held and claimed) be not in the lawful possession or control of any person, the guardian of the ward, idiot, lunatic or insane person, duly appointed at the place where such ward, idiot, lunatic or insane person resides, may apply to have such estate removed to the residence of the ward, idiot, lunatic or insane person by petition filed before the clerk of the Superior Court of the county in which the property or some portion thereof is situated; which shall be proceeded with as in other cases of special proceedings.

C. S. 2196. **Contents of petition; parties defendant.** The petitioner must show to the court a copy of his appointment as guardian and bond duly authenticated, and must prove to the court that the bond is sufficient, as well in the ability of the sureties as in the sum mentioned therein, to secure all the estate of the ward wherever situated. Any person may be made a party defendant to the proceeding who may be made a party defendant in civil actions under the provisions of the chapter entitled Civil Procedure.

ART. 9. *Estates Without Guardian*

C. S. 2197. **Duty of grand jury as to orphans and guardians.** The grand jury of every county is charged with and shall present to the Superior Court the names of all orphan children that have no guardian or are not bound out to some trade or employment. They shall further inquire of all abuses, mismanagement and neglect of all such guardians as are appointed by the clerk of the Superior Court. The clerk of the Superior Court shall, at each term of the Superior Court, lay before the grand jury a list of all the guardians acting in his county or appointed by him.

C. S. 2198. **Solicitor to apply for receiver for orphans' estates.** Whenever an orphan, having any estate, is presented by a grand jury, for whom no suitable person will become guardian, the clerk of the Superior Court must

give notice thereof forthwith to the solicitor of the State for the judicial district, who shall apply in behalf of the orphan to the judge of the Superior Court of the county where such presentment was made, to the end that a receiver be appointed.

C. S. 2199. **Solicitor to prosecute bond of guardian removed without a successor.** Whenever any guardian is removed, and no person is appointed to succeed in the guardianship, the clerk of the Superior Court shall certify the name of such guardian and his sureties to the solicitor of the judicial district, who shall forthwith institute an action on the bond of the guardian in the Superior Court, for securing the estate of the ward.

C. S. 2200. **Judge to appoint receiver; his rights and duties.** The judge of the Superior Court, either residing in or presiding over the courts of the district, before whom such action is brought, shall have power to appoint the clerk of the Superior Court or some discreet person as a receiver to take possession of the ward's estate, to collect all moneys due to him, to secure, lend, invest or apply the same for the benefit and advantage of the ward, under the direction and subject to such rules and orders in every respect as the said judge may from time to time make in regard thereto; and the accounts of such receiver shall be returned, audited and settled as the judge may direct. The receiver shall be allowed such amounts for his time, trouble and responsibility as seem to the judge reasonable and proper; and such receivership may be continued until a suitable person can be procured to take the guardianship.

C. S. 2201. **Receiver to pay over estate to infant or guardian.** When another guardian is appointed, he may apply by motion, on notice, to the judge of the Superior Court for an order upon the receiver to pay over all the money, estate and effects of the ward; and if no such guardian is appointed, then the ward, on coming of age, or in case of his death, his executor, administrator or collector, and the heir or personal representative of the idiot, lunatic or insane person, shall have the like remedy against the receiver.

C. S. 2202. **Duties and compensation of solicitor.** The solicitor shall prosecute the action and take all necessary orders therein, and for his services shall be allowed such reasonable compensation as may be just, not to exceed ten dollars; in passing on the returns of receivers, where the estate of the infant does not exceed five hundred dollars, not to exceed five dollars; and where the estate exceeds five hundred dollars, not to exceed ten dollars. The amount in each case to be fixed by the judge.

See, also, under Duties of County Superintendents of Public Welfare and Juvenile Courts.

CONTROL OVER INDIGENT CHILDREN

C. S. 5063. **Institution has authority of parent or guardian.** Every indigent child which may be placed in any orphanage, children's home, or child-placing institution in this State, which shall be an institution existing under and by virtue of the laws of this State, shall be under the control of the authorities of such institution so long as, under the rules and regulations of such institution, the child is entitled to remain in the same. The authority of the institution shall be the same as that of a parent or guardian before the child was placed in the institution; but such authority shall extend only to the person of the child.

C. S. 5064. **Regulations of institution not abrogated.** Nothing in this article shall be construed in any way to abrogate any of the rules and regulations of such institutions in so far as the rules and regulations have for their purpose the welfare and protection of the institutions.

C. S. 5065. **Enticing a child from institution.** It is unlawful for any person to entice or attempt to entice, persuade, harbor, or conceal, or in any manner induce any indigent child to leave any of the institutions hereinbefore mentioned without the knowledge or consent of the authorities of such institutions. But this article shall not interfere with a mother's right to her child in case she becomes able to sustain her child; and the county commissioners in the county in which she resides shall, in case of doubt, have authority to recommend to the institution concerning the child.

C. S. 5066. **Violation a misdemeanor.** Any person violating any of the provisions of the three preceding sections shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

C. S. 5067. **Institutions for care of children must have license.** It shall be unlawful for any person, institution, or organization for the purpose of caring for or placing children to carry on such work or business without having in full force a written license therefor from the State Board of Charities and Public Welfare.

OFFENSES AGAINST CHILDREN

C. S. 4444. **Age of legal marriage.** If any person shall marry a female under the age of fourteen years, he shall be guilty of a misdemeanor.

[AGE OF LEGAL MARRIAGE, AS AMENDED BY CHAP. 75, PUBLIC LAWS 1923.]

AN ACT TO PREVENT THE MARRIAGE OF FEMALES UNDER SIXTEEN YEARS OF AGE EXCEPT BY CONSENT OF PARENTS OR PERSONS STANDING IN RELATION OF A PARENT AND UPON SPECIAL LICENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "fourteen" in line two of section two thousand four hundred and ninety-four of the Consolidated Statutes be stricken out and the word "sixteen" be inserted in lieu thereof; and that at the end of said section there be added the words: *Provided*, that females over fourteen years of age and under sixteen years of age may marry under a special license to be issued by the register of deeds, which said special license shall only be issued after there shall have been filed with the register of deeds a written consent to such marriage signed by one of the parents of the female, or signed by that person standing *in loco parentis* to such female, and that the fact of the filing of such written consent shall be set out in said special license.

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after May 1, 1923.

Ratified this the 24th day of February, A.D. 1923.

AGE OF CONSENT

C. S. 4204. **Punishment for rape.** Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted of unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death.

[THE AGE OF CONSENT, AS AMENDED BY CHAP. 140, PUBLIC LAWS 1923.]

AN ACT TO AMEND SECTION 4209 OF THE CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand two hundred and nine of the Consolidated Statutes be and the same is hereby amended so as hereafter to read as follows:

"If any male person shall carnally know or abuse any female child, over twelve and under sixteen years of age, who has never before had sexual intercourse with any person, he shall be guilty of a felony and shall be fined or imprisoned in the discretion of the court; and any female person who shall carnally know any male child under the age of sixteen years shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court: *Provided*, that if the offenders shall be married or shall thereafter marry, such marriage shall be a bar to further prosecution."

SEC. 2. That all persons charged with a violation of this act under the age of sixteen years shall be subject to the jurisdiction of the Juvenile Court, and such other courts as may hereafter exercise such jurisdiction, and shall be classed as delinquents and not as felons: *Provided*, that where the offenders agree to marry, the consent of the parents shall not be necessary: *Provided further*, that any male person convicted of the violation of this act, who is under (18) eighteen years of age, shall be guilty of a misdemeanor only.

SEC. 3. That this act shall be in force from and after the first day of July, one thousand nine hundred and twenty-three.

Ratified this the 3d day of March, A.D. 1923.

KIDNAPPING AND ABDUCTION

C. S. 4221. **Punishment for kidnapping.** If any person shall forcibly or fraudulently kidnap any person, he shall be guilty of a felony, and upon conviction may be punished in the discretion of the court, not exceeding twenty years in the State's Prison.

C. S. 4222. **Enticing minors out of the State for purposes of employment.** If any person shall employ and carry beyond the limits of this State any minor, or shall induce any minor to go beyond the limits of this State, for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars and not more than one thousand dollars for each offense. The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be *prima facie* evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor.

C. S. 4223. **Abduction of children.** If anyone shall abduct or by any means induce any child under the age of fourteen years, who shall reside

with its father, mother, uncle, aunt, brother, or elder sister, or shall reside at a school, or be an orphan and reside with a guardian, to leave such person or school, he shall be guilty of a felony, and on conviction shall be fined or imprisoned in the State's Prison for a period not exceeding fifteen years.

C. S. 4224. **Conspiring to abduct children.** If anyone shall conspire to abduct, or by any means to induce any child under the age of fourteen years, who shall reside with any of the persons designated in the preceding section, or shall reside at school, to leave such persons or the school, he shall be guilty of a felony, and on conviction shall be punished as prescribed in the preceding section: *Provided*, that no one who may be a nearer blood relation to the child than the persons named in the preceding section shall be indicted for either of said offenses.

Prostitution

C. S. 4346. **Permitting unmarried female under eighteen in house of prostitution.** Whoever, being the keeper of a house of prostitution, or assignation house, building or premises in this State where prostitution, fornication, or concubinage is allowed or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or room in such house, building or premises, shall be guilty of a misdemeanor.

Cigarettes

C. S. 4438. **Selling cigarettes to minors.** If any person shall sell, give away, or otherwise dispose of, directly or indirectly, cigarettes, or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, to any minor under the age of seventeen years; or if any person shall aid, assist, or abet any other person in selling such articles to such minor, he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment in the discretion of the court.

C. S. 4439. **Aiding minors in procuring cigarettes; duty of police officers.** If any person shall aid or assist any minor child under seventeen years old in obtaining the possession of cigarettes, or tobacco in any form used as a substitute therefor, by whatsoever name it may be called, he shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

It shall be the duty of every police officer, upon knowledge or information that any minor under the age of seventeen years is or has been smoking any cigarette, to inquire of any such minor the name of the person who sold or gave him such cigarette, or the substance from which it was made, or who aided and abetted in effecting such gift or sale. Upon receiving this information from any such minor, the officer shall forthwith cause a warrant to be issued for the person giving or selling, or aiding and abetting in the giving or selling of such cigarette or the substance out of which it was made, and have such person dealt with as the law directs. Any such minor who shall fail or refuse to give to any officer, upon inquiry, the name of the person selling or giving him such cigarette, or the substance out of which it was made, shall be guilty of a misdemeanor.

Firearms

C. S. 4440. **Selling or giving weapons to minors.** If any person shall knowingly sell, offer for sale, give, or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane, or sling-shot, he shall be guilty of a misdemeanor.

C. S. 4441. **Permitting young children to use dangerous firearms.** Any person, being the parent or guardian of, or standing *in loco parentis* to, any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever, any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

BILLIARD ROOMS, ETC.

C. S. 4442. **Permitting minors to enter barrooms, billiard rooms, and bowling alleys.** If the keeper or owner of any barroom, billiard room, or bowling alley shall allow any minor to enter or remain in such barroom, billiard room, or bowling alley, where before such minor enters or remains in such barroom, billiard room, or bowling alley, the owner or keeper thereof has been notified by the parents or guardian of such minor not to allow him to enter or remain in such barroom, billiard room, or bowling alley, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

EXPOSURE TO FIRE

C. S. 4443. **Exposing children to fire.** If any person shall leave any child of the age of seven years or less locked or otherwise confined in any dwelling, building, or enclosure, and go away from such dwelling, building, or enclosure without leaving some person of the age of discretion in charge of the same, so as to expose the child to danger by fire, the person so offending shall be guilty of a misdemeanor, and shall be punished at the discretion of the court.

FAILURE TO PAY MINOR FOR WORK

C. S. 4446. **Failing to pay minors for doing certain work.** Whenever any person, having a contract with any corporation, company, or person for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall willfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

INSTITUTIONS FOR CHILDREN

SAMARCAND MANOR

C. S. 7334. **Persons committed to the reformatory; time of detention.** Any girl or woman who may come or be brought before any court of the State, and may either confess herself guilty or have been convicted of being a habitual drunkard, or being a prostitute, or of frequenting disorderly houses or houses of prostitution, or for vagrancy, or of any other misdemeanor, may be committed by such court for confinement in the institution aforesaid: *Provided*, such person is not insane or mentally or physically incapable of being substantially benefited by the discipline of such institution; and *Provided further*, that before sentencing such person to confinement in the institution the court shall ascertain whether the institution is in position to care for such person; and it shall be at all times within the discretion of the board of directors as to whether the board will receive any

person in the institution. No commitment shall be for any definite term, but any person so committed may be paroled or discharged at any time after her commitment by the board of managers, but no inmate shall in any case be detained longer than three years. When any such person shall come before any court for the purpose of confessing guilt or for trial, the court shall, as far as feasible and as far as consistent with public policy, give a private hearing, and in all respects avoid unnecessary publicity in connection with the proceedings before the court.

NOTE.—It is the policy of Samarcand to give preference to young girls. The older, confirmed prostitutes are not admitted.

Chap. 69, Public Laws, Extra Session 1921. **Time of detention changed.** That section seven thousand three hundred and thirty-four of the Consolidated Statutes be amended by inserting in line fifteen after the word "years" the following: "*Provided*, that when any girl under twenty-one years of age shall have been committed to the institution the trustees shall have the sole right and authority to keep, restrain and control her until she is twenty-one years old, or until such time as they shall deem proper for her discharge, under such proper and humane rules and regulations as may be adopted by the trustees."

C. S. 7335. **Delivery of inmates to institution; expenses.** It shall be the duty of the county authorities of the county from which any girl or woman is sent to the home, or the city authorities, if the girl or woman is ordered to be sent to the home by any city court, to see that such girl or woman is safely and duly delivered to the home, and to pay all the expenses incident to her conveyance and delivery to the home.

C. S. 7336. **Voluntary application for admission; care of children.** In addition to caring for such persons as may be committed to the institution by order of the court, the board of managers may, in their discretion, receive into the institution any such person who may have in writing confessed herself guilty of any offense or any wayward conduct and may in writing express her desire to become an inmate of the institution; but the board shall not admit any such person unless upon examination of such person, freely and voluntarily held under the direction of the board, the board shall conclude that confinement in the institution will probably aid in the reformation of such person. Any person becoming an inmate of the institution under the provisions of this section shall be subject to the same rules and regulations as those who have been committed by order of court, and shall be detained for such time as the board, in its judgment, may deem best, not exceeding, however, the term of three years. And it shall further be the duty of the board of managers to make suitable provision for the care and maintenance of children born in the institution, and also of the infant children that any woman may have when she is committed to the institution.

C. S. 7337. **Law as to juvenile delinquents applied.** The provisions of the chapter pertaining to the reclamation and training of juvenile delinquents shall apply to young girls, and any court before whom a young girl is brought pursuant to the provisions of said chapter may be by order of court placed in the institution herein established, and shall be subject to all provisions of law relating thereto: *Provided*, however, that no girl shall be admitted to the institution under this provision without the previous consent of the board of managers.

C. S. 7338. **Discharge on parole; arrest for escape or violation of parole.** The board of managers may conditionally discharge any person at any time, and if any such person shall violate any condition of her parole or shall violate any condition upon which she has been discharged, or if any inmate escape from the institution, the board of managers may cause any such person to be rearrested and returned to the institution and be detained therein for the unexpired portion of her term, dating from the time of her parole, conditional discharge, or escape. The board of managers is empowered to issue to any person designated by the board a commitment signed by the president and attested by the secretary, and having attached thereto the common seal of the corporation, by the terms of which commitment such person may be authorized and empowered to apprehend any such person who may have violated her parole or any condition of her discharge or that may have escaped, and carry such person back to the institution. Such commitment shall briefly state the reason for the issuance of the same, and the person designated to execute the same may execute it in any county of the State.

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL

C. S. 7314. **Purpose of the school.** The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent children of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal children under the age of sixteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts, the judges of the juvenile courts, or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with this section are hereby repealed.

C. S. 7320. **Powers of superintendent.** The superintendent employed by the board is authorized to require obedience from all inmates of the school, and is intrusted with the authority for correcting and punishing any inmate thereof to the same extent as a parent may under the law impose upon his own child, and the trustees shall have the right at any time to discharge the superintendent for cause.

C. S. 7322. **Courts may commit offenders to reformatory.** The judges of the Superior courts, recorders, or other presiding officers of the city or criminal courts of the State, shall have authority, and it shall be their duty, to sentence to the school all persons under the age of sixteen years convicted in any court of this State of any violation of the criminal laws: *Provided*, that such judge or other of said officers shall be of the opinion that it would be best for such person, and the community in which he may be convicted, that he should be so sentenced. Any commitment under this article, whether by judge or court, as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of the school for the detention and keeping therein of the child so committed.

C. S. 7323. **Governor may transfer prisoners to reformatory.** The Governor of the State may by order transfer any person under the age of sixteen years from any jail, chain gang, or penitentiary in this State to such reformatory.

EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS

[CHAPTER 254, PUBLIC LAWS 1923.]

AN ACT TO ESTABLISH THE EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS.

The General Assembly of North Carolina do enact:

SECTION 1. That a corporation to be known and designated as the Eastern Carolina Industrial Training School for Boys be and the same is hereby created, and as such corporation and under said name it may sue and be sued, plead, be impleaded, hold, use, and sell and convey real estate, receive gifts and donations and appropriations and do all other things necessary and requisite for the purposes of its organization as hereinafter specified.

SEC. 2. That said institution shall be under the control and management of a board of five trustees. All of said trustees shall be appointed by the Governor of the State, who in the first appointment shall appoint one of the said trustees for a term of one year, two for a term of two years, two for a term of four years, and at the end of the term of any trustee the Governor shall appoint the successor for a term of four years. All vacancies on the board, occurring for any cause, shall be filled by the Governor. Each member of the board shall be entitled to receive necessary expenses for each and every day engaged in the business of the institution.

SEC. 3. The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent white boys of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal boys under the age of eighteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts, the judges of the juvenile courts or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with the provisions of this section are hereby repealed.

SEC. 4. That the board of trustees shall select a suitable place outside of and away from any city, town or village, for the erection of such a school, such location to be in the eastern part of North Carolina not farther west than twenty miles of the main line of the Atlantic Coast Line Railroad, and said board of trustees is empowered to purchase at some suitable and convenient place, not less than one hundred acres nor more than five hundred acres of land whereon to erect and operate such school.

SEC. 5. It shall be the duty of the Governor to name the board of trustees hereinbefore provided for, and to call, not later than the first day of September, one thousand nine hundred and twenty-three, a meeting of the trustees herein named, at his office in Raleigh, and at such meeting the trustees shall proceed to the election of a treasurer, superintendent for the school, and such other officers for the board and school as they deem proper.

SEC. 6. All moneys received by the trustees by private gifts, donations or otherwise, shall be expended in the establishment, operation and maintenance of the school for the training and the moral and industrial development of such delinquent boys, and in securing homes for them; and it shall be their duty to duly account for all moneys so received by them and to make report of the manner of its expenditure and of the work done by them as hereinafter more particularly provided for.

SEC. 7. The treasurer and superintendent shall, before receiving any of said funds, make a good and sufficient bond, payable to the State of North Carolina, in such sums as may be named by the Governor and approved by the State Treasurer.

SEC. 8. The superintendent employed by the board is authorized to require obedience from all the inmates of the school, and is intrusted with the authority for correcting and punishing any inmate thereof to the same extent as a parent may under the law impose upon his own child, and the trustees shall have the right at any time to discharge the superintendent for cause.

SEC. 9. The judges of the Superior Courts, recorders, or other presiding officers of the city or criminal courts of this State shall have authority, and it shall be their duty, to sentence to the school all persons under the age of eighteen years convicted in any court of this State of any violation of the criminal laws: *Provided*, that such judge or other of said officers shall be of the opinion that it would be best for such person, and the community in which he may be convicted, that he should be so sentenced. Any commitment under this act, whether by judge or court, as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of the school for the detention and keeping therein of the boy so committed.

SEC. 10. The Governor of the State may by order transfer any boy under the age of eighteen years from any jail, chain-gang or penitentiary in this State to such school.

SEC. 11. There shall be established and conducted on such lands as may be owned in connection with the school such agriculture, horticulture, workshops, and other pursuits as the board of trustees may deem expedient so as to keep regularly at work all able-bodied inmates.

SEC. 12. The officers of the school shall receive and take into it all boys committed thereto by competent authority, or received therein as aforesaid, and shall cause all such boys in the school to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities. The boys shall be taught such useful trades and given such manual training as the board may direct, and shall perform such manual labor as the principal or other superintending officers, subject to the direction of the board, may order. All inmates shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and to be industrious.

SEC. 13. The board of trustees shall have the management and control of the school, and shall have authority to employ a superintendent and such other assistants as they may deem necessary; to fix their salaries, to define their duties, to discharge any employees, and to make any and all rules and regulations as they may deem necessary for the management and conducting of such school under the provisions of this act, and not inconsistent therewith.

SEC. 14. If it shall appear to the board of trustees that any inmate of the school is or becomes ungovernable and is exerting an unwholesome influence over any other inmate, it shall be their duty to certify the same to the Governor of the State, and he may order such inmate to the State's Prison or to the jail or chain-gang in the county in which such inmate was convicted, where such person shall serve out his unexpired term.

SEC. 15. That the sum of five thousand dollars is hereby appropriated annually for the years of one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-four for the support and maintenance of said institution as is provided in a bill entitled "An act to make appropriations for the maintenance of the State's institutions," passed at this General Assembly, and the further sum of twenty-five thousand dollars is

hereby appropriated for the purpose of purchasing site and erecting of buildings of said institution as a permanent improvement fund as is provided in a bill entitled "An act to provide for a bond issue for permanent improvements of the State's institutions," passed at this General Assembly.

SEC. 16. Nothing contained in this act shall be construed to prevent the General Assembly from altering, changing, and modifying the law and regulations governing such school and its officers and directors in such manner and at such time as to it may seem best.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1923.

TRAINING SCHOOL FOR DELINQUENT NEGRO BOYS

[CHAPTER 190, PUBLIC LAWS 1921.]

SECTION 1. A corporation, to be known and designated "The State Training School for Negro Boys," is hereby created, and as such corporation it is authorized and empowered to accept and use donations and appropriations, hold real estate by purchase or gift, and do all other things necessary and requisite to be done for the care, discipline and training of negro boys which may be received by said corporation.

SEC. 2. The State Training School for Negro Boys shall be under the control and management of a board of five trustees. All of the trustees shall be appointed by the Governor of the State, who shall have the power of removal for cause at any time. As soon after the ratification of this act as the Governor shall deem advisable he shall appoint said board of trustees as follows: One for a term of one-year, one for a term of two years, one for a term of four years, and two for a term of five years; and at the end of the term of each trustee, his successor shall be appointed for a term of five years. All vacancies shall be filled by the Governor. Each member of the board of trustees shall be entitled to receive actual necessary expenses for every day engaged in the business of the institution, but no compensation for service rendered.

SEC. 3. Immediately upon receiving notice of their appointment as trustees, the persons so designated shall meet and organize by electing from their number a chairman, and one as secretary, or the latter two offices may be combined. They shall thereupon undertake as expeditiously as possible the business of selecting a location and preparing for the opening and maintenance of the State Training School for Negro Boys. The board shall have power to appoint and dismiss at will a superintendent and other employees, to make such rules for its own meetings and guidance as it deems necessary; have the general superintendence, management, and control of the institution; of the grounds and buildings, officers, and employees thereof; of the inmates therein, and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board of managers shall constitute a board of parole of the institution, and shall have power to parole and discharge the inmates under such rules and regulations as the board may prescribe, and to retake them upon failure to comply with any requirement of parole.

SEC. 4. Delinquent negro boys, under the age of sixteen years, may be committed to the institution by any juvenile, State, or other court having jurisdiction over such boy, but no boy shall be sent to the institution until the committing agency has received notice from the superintendent that such person can be received. The cost of sending inmates shall be paid by the county or municipality sending the same, as the case may be. In special cases where the public good would seem to be subserved thereby the board shall have the right, upon the request of any court of proper jurisdiction, to receive an inmate above the age of sixteen, but this shall be a matter wholly within the discretion of the board. When any commitment to the institution is made, it shall not be for any specified time, but may continue or terminate at the discretion of the board, not to exceed the age of majority of the inmate.

SEC. 5. For the purpose of preparing and opening the State Training School for Negro Boys, the sum of twenty-five thousand dollars, as provided by an act passed by this General Assembly, entitled "An act to issue bonds of the State for the permanent enlargement and improvement of the State's educational institutions," may be used by said board of trustees for permanent improvements or equipment, or both, but no part thereof shall be spent until a suitable location has been acquired, either by purchase or otherwise. The location of the institution shall be recommended by the board of trustees and approved by the Governor. In the event the location selected is upon property now owned by the State or any other State institution, then the governing body in whom the title is vested is hereby directed and authorized to transfer title to the board of trustees of the State Training School for Negro Boys, and turn over to them all or such portions of the said property as the Governor may direct, without compensation, as the Governor may deem proper for the best interests of the State. The sum of ten thousand dollars annually, as provided in the general appropriation bill passed by this General Assembly, entitled "An act to make appropriations to the State institutions," or as much thereof as may be necessary shall be used for the maintenance and support of the said State Training School for Negro Boys. The site for said school shall be selected with regard to the proper mental treatment of the inmates thereof.

SEC. 6. In receiving inmates of the institution, the trustees shall distribute such admissions as near as may be in relation to the negro population of the several counties until all the maintenance appropriation from the State is exhausted. If after such maintenance fund is exhausted it be found possible to provide housing space and control for additional inmates, then the trustees may receive such additional number of inmates as can be cared for upon the payment by private persons or municipal or county authorities of the actual cost of the maintenance of such inmates. County and municipal authorities are hereby given authority to pay such sums in their discretion.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A.D. 1921.

COUNTY ORPHANAGES

[CHAPTER 81, PUBLIC LAWS 1923.]

AN ACT TO AUTHORIZE THE BOARDS OF COMMISSIONERS OF THE SEVERAL COUNTIES TO ESTABLISH AND MAINTAIN HOMES FOR INDIGENT ORPHAN CHILDREN.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection twenty-nine (29) of section one thousand two hundred ninety-seven (1297) of the Consolidated Statutes be amended by

adding after the word "hospitals" and before the word "for" in the second line of said subsection the following: "establish and maintain homes for indigent orphan children."

Sec. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1923.

Admission to Caswell Training School

[Chapter 34, Public Laws 1923.]

AN ACT TO AMEND CHAPTER 266 OF THE PUBLIC LAWS OF 1915, BEING AN ACT ENTITLED "AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA SCHOOL FOR THE FEEBLEMINDED AND PROVIDE FOR ADMISSION AND DISCHARGE OF CHILDREN FROM SAID SCHOOL."

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter two hundred and sixty-six of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby repealed, and in lieu thereof the following is substituted:

"Sec. 2. That hereafter there shall be received in the Caswell Training School, subject to such rules and regulations as the board of directors may adopt, feebleminded and mentally defective persons of any age, when in the judgment of the officer of public welfare and the board of directors of said institution it is deemed advisable. All applications for admission must be approved by the local county welfare officer and the judge of the juvenile court or the clerk of the court of the county wherein said applicant resides."

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, A.D. 1923.

North Carolina Orthopædic Hospital

Crippled and deformed white children of sound mind, under sixteen years of age, may be admitted to the orthopædic hospital. Arrangements for the examination and treatment, outside the institution, of older children and adults may be arranged by appointment with the surgeon-in-chief. Clinics for outside patients are held every Tuesday afternoon at two o'clock. In the case of children admitted to the hospital, the parents, or guardian, are expected to bear the expense of treatment, or such part of it as they are able. No child is turned away because its parents are unable to pay. The institution, in no case, pays for transportation, or for braces in cases where these are necessary. Application for admission to the hospital should be made on blanks furnished by the institution.

REGULATIONS FOR HEALTH OF CHILDREN

Births and deaths must be registered, and North Carolina is now in the Federal Registration Area.

Every midwife or practicing physician must immediately instill into the eyes of the new-born babe a solution furnished by the State Board of Health to prevent blindness. And any unnatural condition of the eyes of a child under two weeks old must be immediately reported to proper medical authorities.

Control of all infectious or contagious diseases is in the hands of the State Board of Health. Vaccination against smallpox and other contagious diseases may be required for all school children by local board of health.

It is unlawful to sell or give cigarettes, or tobacco for cigarettes, to any child under seventeen, and every police officer is specially charged with seeing that this act is enforced.

The State Board of Health and the State Superintendent of Public Instruction are charged with the duty of seeing that every child attending public school in the State shall have a physical examination at least once in three years.

Teachers are required to make a physical examination of every child attending the school and enter on cards and official forms furnished by the State Board of Health for such examination. The teacher shall transmit these cards and other forms to the State Board of Health. The board of health shall have these cards filed, classified, and studied, and shall notify the parent or guardian of every child whose card shows a serious defect, and a day shall be designated for a thorough examination of the child. In the counties the county commissioners shall pay to the State Board of Health ten dollars per hundred children enrolled to pay for treatment, and the cities or towns with separate school systems to be paid by the city commissioners, aldermen, etc. A special appropriation is set aside out of the educational fund for free dental treatment. The State Board of Health is conducting dental clinics in the schools of the several counties as rapidly as possible. Dentists examine all school children in such counties and provide for treatment.

While all matters pertaining to health are under the direct supervision of the State and local departments of health, the whole question of health is so closely related to welfare that there must be the closest co-operation between local officials of the two departments. Occasionally, as in cases of neglect, a case becomes primarily a problem of welfare.

MOTHERS' AID

[CHAPTER 260, PUBLIC LAWS 1923.]

AN ACT TO AID NEEDY ORPHAN CHILDREN IN THE HOMES OF WORTHY MOTHERS

The General Assembly of North Carolina do enact:

SECTION 1. That the boards of county commissioners of the several counties of the State are hereby authorized, in their discretion, to make an allowance to any eligible mother (as hereinafter explained and defined) for her support, where she is left with a child or children under fourteen years of age, under the conditions hereinafter set forth.

SEC. 2. That the county board of charities and public welfare of any county, after investigation by the county superintendent of welfare, may determine what amount within the provisions of this act is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age.

SEC. 3. That the maximum amount to be allowed per month under this act shall not exceed fifteen dollars for one child, ten dollars additional for the second child, and five dollars additional for the third child, or any excess of three: *Provided*, the total amount shall not exceed forty dollars, except in extraordinary circumstances in which it appears to the satisfaction of the board of county commissioners that a total of forty dollars per month would be insufficient to secure the purposes above set forth.

SEC. 4. That to be eligible to apply for mother's aid a woman must be the mother of a child or children under fourteen years of age, a resident of the State of North Carolina for three years, and a resident of the county for one year preceding, and possessed of sufficient mental, moral, and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any relative or charitable organization, the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be necessary, in their opinion and judgment.

SEC. 5. That any board of county commissioners taking advantage of the provisions of this statute may require that the report of the investigation of the county superintendent of welfare in every case shall be presented to and approved by the judge of the juvenile court in that county before making an appropriation.

SEC. 6. That the State Board of Charities and Public Welfare shall have general oversight of the administration of this act with the view to making it uniform throughout the State; shall furnish all necessary blanks and give such advice and help as it can in order to aid in efficiently securing its purpose. The county superintendent of public welfare shall make his report on any case to the board of county commissioners in duplicate, one copy of which shall be forwarded at once, with the action of the board of county commissiones endorsed thereon, to the State Board of Charities and Public Welfare, and one filed by the board of county commissioners with its records in the case. The State Board of Charities and Public Welfare shall at once notify the board of county commissioners its approval or disapproval for reimbursement as provided in section eight of this act, and the said board may suggest additional requirements for the consideration of the board of county commissioners.

SEC. 7. That after investigation by the county welfare officer, when the board of county commissioners shall adjudge that a mother is entitled to aid under this act, said board of county commissioners shall determine the monthly amount that the board of county commissioners may allow and order its treasurer in writing to pay said amount to the person designated by it and continue the same monthly until the order be changed or the expiration of the time for which the order is limited.

SEC. 8. That at the end of each fiscal quarter the treasurer of the county wherein aid has been granted shall furnish an itemized statement in each case of amounts paid, duly certified by him under oath, to the State Board of Charities and Public Welfare. If each case thereon shall have been approved by the State Board of Charities and Public Welfare and all required regulations of this act shall have been fulfilled, the State Board of Charities and Public Welfare shall certify the account to the State Treasurer, whereupon the State Treasurer shall immediately make out and forward to such county treasurer his voucher for one-half of the total amount certified as having actually been paid out by the county. Such voucher shall be made out against any fund in the treasury not otherwise appropriated: *Provided*, the total amount for the State shall not exceed a maximum of fifty thousand dollars ($50,000) per year, to be apportioned among all the counties on a per capita basis: *Provided*, that the proportionate share of any county not availing

itself as above provided by this act shall remain in the hands of the State Treasurer until otherwise appropriated.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1923.

STATE INSTITUTIONS FOR CHILDREN

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL

Superintendent, CHAS. E. BOGER, Concord, N. C.

Receives delinquent white boys under sixteen years of age, by court commitment. Established 1907.

SAMARCAND MANOR

Superintendent, MISS AGNES MCNAUGHTON, Samarcand, N. C.

Receives delinquent white girls by court commitment or voluntary request. Established 1918.

THE STATE TRAINING SCHOOL FOR NEGRO BOYS

Receives delinquent negro boys under sixteen years old, by court commitment. Established 1921. Not yet open.

CASWELL TRAINING SCHOOL

Superintendent, DR. C. BANKS MCNAIRY, Kinston, N. C.

Receives feebleminded white boys and girls between the ages of six and twenty-one, and feebleminded adults in certain cases. Established 1911.

ORTHOPÆDIC HOSPITAL

Surgeon-in-Chief, DR. O. L. MILLER, Gastonia, N. C.

Receives white children under sixteen years. Free examination and surgical services to those unable to pay. Established 1917.

SCHOOL FOR THE BLIND AND DEAF

Superintendent, G. E. LINEBERRY, Raleigh, N. C.

Receives white blind children of sound mind between the ages of seven and twenty-one, special cases from six. Receives colored deaf and blind in a separate institution.

SCHOOL FOR THE WHITE DEAF

Superintendent, E. MCK. GOODWIN, Morganton, N. C.

Receives deaf white children between the ages of seven and twenty-three.

COUNTY INSTITUTIONS FOR CHILDREN

Buncombe County Home—Miss Emma Donoho.....Asheville
Union County Home—Rev. E. C. Snyder.....Monroe
Wake County Detention Home.....Raleigh
Wright Refuge .....Durham
Buncombe County Reformatory.....Asheville
Forsyth County Reformatory.....Winston-Salem

PRIVATE INSTITUTIONS FOR CHILDREN

Maternity Homes

Faith Cottage—Rev. L. B. Compton.....Asheville
Florence Crittenden Home—Mrs. G. H. Johnson.....Charlotte
Rest Cottage—Miss Mary Dunkum.....Greensboro

Child-Placing Society

N. C. Children's Home Society, Inc.—J. J. Phoenix.....Greensboro

Private Child-Caring Institutions for Dependent Children

Alexander Home—Mrs. Fanny Sharpe.....Charlotte
Baptist Orphanage and Kennedy Home—Rev. M. L. Kesler.....Thomasville
Christian Orphanage—Charles D. Johnson.....Elon College
Colored Orphans' Home—Rev. W. J. Poindexter.....Winston-Salem
Eliada Orphanage—Rev. L. B. Compton.....Asheville
Falcon Orphanage—J. A. Culbreth.....Falcon
Freewill Baptist Orphanage—C. G. Pope.....Middlesex
Grandfather Orphans' Home—J. W. Holcomb.....Banner Elk
Methodist Orphanage—Rev. A. S. Barnes.....Raleigh
Methodist Children's Home—Rev. Charles A. Woods.....Winston-Salem
Methodist Protestant Home—H. A. Garrett.....High Point
Mountain Orphanage—R. D. Bedinger.....Black Mountain
Nazareth Orphan Home—A. S. Peeler.....Crescent
Odd Fellows' Orphan Home—Charles H. Warren.....Goldsboro
Oxford Orphanage—R. L. Brown.....Oxford
Oxford Orphanage (colored)—H. P. Cheatham.....Oxford
Presbyterian Orphans' Home—Joseph P. Johnson.....Barium Springs
Pythian Orphanage—C. W. Pender.....Clayton
Roman Catholic Orphanage—Rev. George Woods.....Raleigh
St. Anne's Orphanage—Sister Mary Clare.....Belmont
Thompson Orphanage—Rev. W. H. Wheeler.....Charlotte
Mary Lee Home for Dependent Children (colored)—Mary Lee Byerly
High Point

HOSPITALS FOR THE INSANE

C. S. 6151. **Incorporation and names.** The hospital for the insane, located near Morganton, shall be and remain a corporation under this name: The State Hospital at Morganton. The hospital for the insane, located near Raleigh, shall be and remain a corporation under this name: The State Hospital at Raleigh. The hospital for the insane, located near Goldsboro, shall be and remain a corporation under this name: The State Hospital at Goldsboro. Under their respective names each corporation is invested with all the property and rights heretofore held by each, under whatsoever name called or incorporated, and all other corporate names are hereby abolished. Hereafter in this chapter, when the above names are used, they shall be deemed to relate back to and include the corporation under whatsoever name it might heretofore have had.

C. S. 6152. **Power to acquire and hold property.** The State Hospital at Morganton, and the State Hospital at Raleigh, and the State Hospital at Goldsboro, may each acquire and hold, for the purpose of its institution, real and personal property, by devise, bequest, or by any manner of gift, purchase, or conveyance whatsoever.

C. S. 6153. **Division of territory; Goldsboro for colored insane.** The State Hospital at Morganton and the State Hospital at Raleigh shall be exclusively for the accommodation, maintenance, care and treatment of white insane of this State, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane and inebriates of this State. The line heretofore agreed upon by the directors of the State Hospital at Morganton and the State Hospital at Raleigh shall be the line of division between the territories of the said hospitals, and white insane persons and inebriates settled in counties west of said line shall be admitted only into the State Hospital at Morganton, and white insane persons and inebriates settled in counties to the east of said line shall be admitted only into the State Hospital at Raleigh. The board of directors hereinafter provided for may change said line from time to time whenever in their opinion such change may be proper, and they may transfer patients from one hospital to the other when such transfer may be deemed advantageous. That portion of the State which is or may hereafter be west of said division line shall be known as the western hospital district, and that portion of the State which is or may hereafter be east of said line shall be known as the eastern hospital district.

C. S. 6154. **Cherokee Indians of Robeson County and Croatan Indians of other counties.** All the insane and inebriate Cherokee Indians of Robeson County, and all the insane and inebriate Croatan Indians of the other counties of the State shall be cared for in the hospital for the insane at Raleigh in wards separate and apart from the white patients in said hospital, and all such Cherokee Indians of Robeson County and Croatan Indians of the other counties of the State shall be cared for and receive the same treatment as other patients in said hospital receive.

C. S. 6155. **Epileptics cared for at Raleigh.** Whenever it becomes necessary for any white person of this State, afflicted with the disease known as epilepsy, to be confined or to receive hospital treatment, such person shall be accommodated, maintained, cared for, and treated at the State Hospital at Raleigh. Such epileptics shall be committed by the clerks of the Superior Courts of the several counties to the State Hospital at Raleigh in the manner now provided by law for the commitment of insane persons to the several hospitals for the insane; and when such persons shall be committed it shall be the duty of the superintendent of the State Hospital at Raleigh, and he is required, to receive such persons and care for, maintain, and treat them at the hospital at Raleigh, if the superintendent shall find such persons to be afflicted to such extent as properly to become a public charge: *Provided*, that any person so committed who is able to pay shall be charged actual cost of maintenance. All epileptics confined, cared for, and maintained at the State Hospital at Morganton shall be transferred to the State Hospital at Raleigh.

C. S. 6168. **Board of Charities and General Assembly, visitors; superintendent reports, to whom.** The State Board of Charities and Public Welfare and the members of the General Assembly shall be *ex officio* visitors of all hospitals for the insane. It shall be the duty of the State Board of Charities to visit the hospitals from time to time, as they may deem expedient, to examine into their condition, and make report thereon to the General Assembly, with such suggestions and remarks as they think proper.

C. S. 6173. **Superintendent; appointment, term of office, qualifications, and removal.** The board of directors shall appoint a superintendent of each of said institutions and prescribe his duties. He shall be a skilled

physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold office for six years from and after his appointment, unless sooner removed by said board, who may, for infidelity to his trust, gross immorality, or incompetency to discharge the duties of his office, fully proved and declared, and the proofs thereof recorded in the book of their proceedings, remove him and appoint another in his place.

C. S. 6174. **Powers of superintendent.** The superintendent of each hospital shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his hospital, and he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors the misconduct of all subordinates.

C. S. 6175. **Superintendent to notify sheriff of escape.** Any superintendent may notify the sheriff within whose county any person sent from his hospital on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to such hospital at the expense of the county of the settlement of the patient.

C. S. 6184. **Persons adjudged insane entitled to immediate admission.** Any resident of North Carolina who has been legally adjudged to be insane by the clerk of the court or other properly authorized person, in accordance with the provisions of this chapter, shall be entitled to immediate admission into the State Hospital at Morganton, the State Hospital at Raleigh, or the State Hospital at Goldsboro, in accordance with the principles of division as to race and residence prescribed in this chapter; and no resident of the State who has been legally adjudged insane and who has been presented to the superintendent of the proper State hospital for the insane as provided in this article, shall be refused admission thereto; but nothing in this article shall be construed to affect the discharge or transfer of patients as now provided by law.

C. S. 6185. **Idiots not admitted.** No idiot shall be admitted to any hospital, and for the purpose of this chapter an idiot is defined to be a person born deficient in mind.

C. S. 6186. **Priority given to indigent patients; payment required from others.** In the admission of patients to any State hospital, priority of admission shall be given to the indigent insane; but the board of directors may regulate admissions, having in view the curability of patients, the welfare of the institutions, and the exigencies of particular cases. The board of directors may, if there be sufficient room, admit other than indigent patients upon payment of proper compensation. If any inmate of any State hospital shall require private apartments, extras, or private nurses, the directors, if practicable, shall provide the same at a fair price to be paid by such patient. Upon the death of any nonindigent patient, the State hospital may maintain an action against his estate for his support and maintenance for a period of five years prior to his death.

C. S. 6187. **Only bona fide residents admitted to hospitals.** No clerk of the court or justice of the peace shall commit to a hospital any person who is not a *bona fide* citizen and resident of this State; and no person who shall have removed into this State from another State while insane shall be deemed a resident or citizen of this State; and no length of residence in this

State of a person who was insane at the time he moved into this State shall be sufficient to make that person a citizen or resident of North Carolina within the meaning of this chapter. If any clerk or justice of the peace shall knowingly commit to any hospital a person who is not a *bona fide* citizen and resident of the State, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

C. S. 6188. **Findings as to residence in examination reported.** In every examination of an alleged insane person it shall be the duty of the clerk or justice of the peace to particularly inquire whether the alleged insane person is a resident of this State, as hereinbefore set forth, and he shall state his findings upon the subject in his report to the superintendent of the hospital. If it is not possible to ascertain the legal residence of the alleged insane person, and the clerk or justice of the peace shall be of the opinion that the insane person is a resident of this State, within the meaning of this law, he shall state that he was unable to ascertain the legal residence of the insane person, and shall commit him to the hospital of his district.

C. S. 6189. **Settlement of patient determined.** For the purposes of this chapter the settlement of every person admitted to a State hospital as insane shall be in the county where the actual place of his residence at his admission may be situated, when such settlement comes in question, but no person can have a settlement in any county in this State unless he is a *bona fide* citizen and resident of this State, and was so before mental disease became manifest.

C. S. 6190. **Affidavit of insanity to procure admission.** For admission into a State hospital the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with the clerk of the Superior Court of the county an affidavit in writing, which shall be substantially in the following form:

STATE OF NORTH CAROLINA, ...County.

The undersigned, residing in said county, makes oath that he has carefully examined....., and believes him to be an insane person, and to be, in the opinion of the undersigned, a fit subject for admission into a hospital for the insane.

Dated.....day of....., A. D. 19.....

.....

Affiant.

Sworn and subscribed before me.

.....

Clerk Superior Court.

C. S. 6191. **Clerk to issue order for examination.** Whereupon, unless the person in whose care or custody the insane person is will agree to bring him before the clerk without a warrant, or unless the clerk shall be of the opinion that it will be injurious to the insane person to be brought before him, the clerk shall issue a precept, directed to the sheriff or other lawful officer, substantially in the following form:

STATE OF NORTH CAROLINA,

To the Sheriff or other lawful officer of.....County—Greeting:

Whereas, information, on oath, has been laid before me that..... is insane, you are hereby commanded to bring him before me within the next ten days that necessary proceedings may be had thereon.

Given under my hand,.....day of....., A. D. 19.....

.....

Clerk Superior Court.

C. S. 6192. **Clerk and physician to make examination.** If the alleged insane person be confined in jail otherwise than for crime, the sheriff shall remove him from the jail upon order from the clerk. Upon the bringing of the alleged insane person before the clerk by his friends, or upon the return of the precept with the body of the insane person, the clerk shall call to his assistance the county physician of the county, or some other licensed and reputable physician, resident of this State, and shall proceed to examine into the condition of mind of the alleged insane person. He shall take testimony of at least one licensed physician, resident of this State, and, if possible, a member of the family, or some friend or person acquainted with the alleged insane person, who has had opportunities to observe him after such insanity is said to have begun.

C. S. 6193. **Clerk may discharge person, require bond, or commit to hospital.** If the clerk, after his examination of the alleged insane person, and the hearing of the testimony as aforesaid, shall decide that such person is sane, he shall forthwith discharge him. If he shall decide that such person is insane, and some friend, as he may do, will not become bound with good security in an amount to be fixed by the clerk to restrain him from committing injuries, and to keep, support, and take care of him until the cause for confinement shall cease, he shall direct such insane person to be removed to the proper hospital as a patient, and to that end he shall transmit to the proper board of directors the examination of the witnesses, and the statement of such facts as he shall deem pertinent to the subject-matter.

C. S. 6194. **Examination at home of patient.** If the clerk of the court shall be of the opinion that it will be injurious to the alleged insane person to be brought before him, the clerk shall proceed to the residence or habitation of said person and take the examination there.

C. S. 6195. **When justice of the peace may make examination.** In a case of emergency, when for any reason the clerk of the court cannot go or is absent from the county, then any justice of the peace is authorized to proceed in like manner by taking the testimony of the physician and other witnesses, as is before provided for in this chapter, and report the same to the clerk. If the clerk is satisfied that the alleged insane person is a fit subject for a hospital for the insane, he shall issue an order for his commitment. In cases of great emergency or inconvenience, the said justice may commit a patient to a hospital, and the superintendent is authorized to receive him, but the justice shall procure an order from the clerk to be forwarded to the superintendent within thirty days.

Amendments of Admission Requirements

[Chapter 144, Public Laws 1923]

AN ACT TO AMEND THE STATUTE RELATING TO THE ADMISSION OF PATIENTS TO THE HOSPITAL FOR THE INSANE

The General Assembly of North Carolina do enact:

Section 1. That section six thousand one hundred ninety-three of the Consolidated Statutes of one thousand nine hundred and nineteen be and the same is hereby amended by adding at the end thereof the following: "If the clerk (or justice under section six thousand one hundred and ninety-five) is satisfied, after the examination herein provided, that the person is insane or an inebriate within the definition of chapter one hundred and fifty-

six of the Public Laws of one thousand nine hundred and twenty-one, he shall make the following order and commitment to the proper State hospital in substantially the following form:

STATE OF NORTH CAROLINA, ...County.

State of North Carolina,

To the State Hospital at....., *N. C.—Greeting:*

Whereas, it has been made satisfactorily to appear to me, ..., Clerk of the Superior Court of said county, after a proper examination of ....., a person having his legal settlement in this county, that he is insane, epileptic or addicted to the use of drugs or alcohol (draw a pen through terms not applying), that he is a *bona fide* citizen of the State, and that he has a legal settlement in said county and is a fit subject for care and treatment in the State Hospital at....., and that he, being at large, is injurious to himself and disadvantageous if not dangerous to the community:

These are, therefore, to command you to receive said..... into the State Hospital at.....for care and treatment as provided for by the laws of this State.

Given under my hand and official seal, this.....day of....., 19.....

.....,

Clerk Superior Court, ...*County.*

If the proceedings are to be before a justice of the peace under section six thousand one hundred and ninety-five of the Consolidated Statutes, the following certificate shall be appended to the commitment by said justice of the peace:

I have examined the testimony as herein set forth, and am satisfied that .....is a fit subject for treatment in the State Hospital at....., N. C.

Given under my hand and official seal, this.....day of....., 19.....

.....

Clerk Superior Court.

If the patient is a pauper, the following shall be filled out and accompany the commitment:

STATE OF NORTH CAROLINA, ...County.

I, ..., Clerk of the Superior Court of the above county, do hereby certify that.....is a poor person and has no estate or property except.....

.....

.....

.....

nor has any one such property who is liable for his maintenance under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one.

Given under my hand and official seal, this.....day of.....,19.....

.....

Clerk Superior Court.

If the patient is not a pauper, the following should be filled out and accompany the commitment of the patient:

STATE OF NORTH CAROLINA, ...County.

I, ..., Clerk of the Superior Court of said county, do hereby certify that.....has property of his own and is financially able to pay for his maintenance, or has relatives who under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one are liable for his maintenance, who have adequate property to pay for the same in the State Hospital at....., N. C.

Given under my hand and official seal, this.....day of....., 19.....

.....

Clerk Superior Court.

The application for admission and commitment to a particular hospital shall be forwarded to such hospital, and immediately upon receipt of said application, if there shall be room for said patient in said hospital, the superintendent shall immediately notify the clerk of the court that the patient will be admitted at once. The receipt of said notice by said clerk of the court shall constitute his authority to convey said patient to said hospital for immediate admission: *Provided*, however, nothing herein shall prevent the superintendent of said hospital from sending immediately a representative of said hospital to convey said patient thereto.

SEC. 2. That section six thousand one hundred and ninety-six of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the questions stated therein and substituting therefor the following:

1. What is patient's name? A.....
2. When was patient born? A.....; Present age.....
3. Where was patient born? A.....
4. Is.....or.....married, single or divorced? A.....
5. If married woman, give maiden name. A.....
6. Name and birthplace of father. A.....
7. Maiden name and birthplace of mother. A.....
8. Occupation of patient for past five years. A.....
9. Present occupation. A.....
   If no occupation, how supported? A.....
10. Education: Collegiate, common school, grammar, elementary, none. A....., Professional or technical.....
11. Were mother and father related? A.....
12. Was either parent or grandparent or any children of patient or other blood relation ever insane, epileptic, feebleminded, inebriate, paralytic, physically deformed, tubercular, diabetic, etc.? Specify. A.....
.....
13. If any of them were ever in any institution, state where and when. A.....
14. Was patient ever charged or convicted of any crime? If so, what and when? A.....
15. Is patient now charged with crime? If so, what? A.....
16. Is patient now in jail? If so, how long? A.....
17. Is patient now in county home? If so, how long? A.....
18. When was the change first observed in the patient's appearance and conduct indicating insanity? A.....
19. What were the principal mental changes and symptoms observed at that time? A.....

20. Did they develop rapidly or gradually? A.....

21. What symptoms are present at the present time? A.....

22. Has patient had previous attacks? If so, how many and was.....or .....treated in a hospital? If so, when and where? A.....

.....

23. What did the patient say or do in your presence indicating insanity? A.....

24. Has patient delusions or hallucinations? A.....

25. Is patient destructive? If so, what has.....or.....destroyed? A.....

26. Has patient ever attempted suicide? A.....

27. Has patient ever threatened suicide? A.....

28. Has patient ever attempted homicide? A.....

29. Has patient ever threatened homicide? A.....

30. Has patient injured or attempted to injure h.....self or others? If so, whom, when and in what manner? A.....

.....

31. State any other facts relative to behavior of patient indicating insanity. A.....

32. Is patient feebleminded? A.....

33. Is patient an idiot? A.....

34. What is the present salary of the patient? A.....

35. How many dependent on.....or..... for support? A.....

36. What is the value of.....or.....property? A.....

37. What is.....or.....annual income? A.....

38. If a minor, state occupation of patient's father. A.....

39. What is father's salary? A.....

40. What is the value of his property? A.....

41. What is his annual income? A.....

42. The following questions should be aswered if patient is a drug addict or inebriate:

(1) Is patient addicted to the use of alcohol, morphine, cocaine, heroin, or any other drugs? If so, what drug? A.....

.....

(2) In what manner (hypodermically or mouth), and how much does patient take? A.....

(3) How long has patient been an addict? A.....

(4) Has patient ever been treated for inebriety? If so, where and when? A.....

43. The following questions should be answered if patient is an epileptic:

(1) At what age did epilepsy first appear? A.....

(2) How long since first attack? A.....

(3) Do seizures occur day or night, or both times? A.....

(4) How often do attacks occur? A.....

(5) Are attacks accompanied by frothing at the mouth....., involuntary passage of urine....., of feces....., or biting of tongue? A.....

(6) Has patient been burned or otherwise injured during seizures? A.....

.....

(7) Are seizures grand or petit mal, or both? A.....

(8) What mental changes have taken place in patient? A.....

(9) Is the patient incapable of protecting .....self against ordinary dangers without an attendant? A.....

44. Give the name of nearest relative or friend with whom superintendent can correspond relative to condition of patient. A.....; relationship and address.....

45. How could the above party be communicated with quickest in case of emergency? A.....

46. In case the hospital can accept patient, at what point could patient be delivered to representative of hospital? A.....

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1923.

C. S. 6197. **Clerk to keep record of examination and discharge.** The clerk will keep a record of all examinations of persons alleged to be insane; and he shall record in such record a brief summary of the proceedings and of his findings, and whenever a justice of the peace shall transmit to the clerk a report of his proceedings when he shall have examined a person under the powers granted under this chapter the clerk shall make a record of his proceedings, and for recording the justice's proceedings he shall be entitled to a fee of twenty-five cents, to be paid by the county aforesaid, and he shall keep a record of all probations and discharges provided for in article four of this chapter.

C. S. 6198. **Fees for examination.** The following fees shall be allowed to the officers who make the examination and they shall be paid by the county in which the alleged insane person is settled: To the clerk or justice who makes the examination, two dollars, and if the clerk goes to the home of the insane person he shall be entitled, in addition to this sum, to five cents a mile each way. This shall cover his entire cost in taking the examination and making out the necessary papers.

The physician called, in the absence of the county physician, shall be entitled to two dollars with mileage. The county physician, being a salaried officer, is not allowed any fee for his services in this examination. The sheriff shall be entitled to such fees as are now allowed by law for the service of process of similar character.

C. S. 6199. **Superintendent of hospital notified; attendant to convey patient.** Whenever any insane person shall be entitled to admission into any one of the hospitals of the State, and the clerk of the Superior Court or other officer authorized by law to find such person insane has so found, and has been notified that such insane person will be admitted into the hospital, it shall be the duty of the clerk or justice of the peace forthwith to notify the superintendent of such hospital, giving the race, name, sex, and age of the patient, and it shall be the duty of such superintendent, unless said patient has been exposed to a contagious disease as hereinafter mentioned in this article, to send an attendant to bring such insane person to the hospital. Such an attendant shall have all such rights as the sheriff or other officer has heretofore had to convey the insane person to the hospital.

C. S. 6200. **Bill of expense sent to county commissioners.** Upon the arrival of such insane person at the hospital, the superintendent shall send to the board of commissioners of the county in which such insane person had a settlement a bill covering the costs of conveying such insane person to the hospital, including any fees that would now be allowed an officer, and it shall be the duty of the board of commissioners forthwith to repay to such hospital the amount of such bill.

C. S. 6201. **Failure of superintendent to send attendant; sheriff to act.** If the superintendent of any hospital for the insane in this State shall, for ten days after receiving a notice as prescribed in section 6199, fail and neglect to send an attendant, as is prescribed by section 6199, to bring such insane person to the hospital, it shall be the duty of the sheriff of the county from which the notice was sent to bring at the expense of the county such insane person to the State hospital, whereupon it shall be the duty of the said superintendent to receive said insane person and relieve said sheriff of his care.

C. S. 6202. **Cost of conveying patients to and from hospital; how paid.** The cost and expenses of conveying every insane person to any hospital from any county, or of removing him from the hospital to his county, or of the return to the county of his settlement as sane, shall be paid by the treasurer of such county, upon the order of its board of county commissioners. Whenever the board of commissioners shall be satisfied that such person has property sufficient to pay such cost and expenses, or that some other person liable for his support and maintenance has property sufficient to pay such costs and expenses as aforesaid, they shall bring an action and recover the amount paid from the said person, or from the other person liable for his support and maintenance.

C. S. 6203. **Preparation of patient for admission to hospital.** Every sheriff or other person bringing to a hospital a patient shall see that the patient is clean, free from contagious disease and vermin, and that he has clothing proper for the season of the year, and in all cases two full suits of underclothing.

C. S. 6204. **Commitment in case of sudden or violent insanity.** Whenever any citizen or resident of this State becomes suddenly or violently insane, in some county other than that of his settlement, the proper authorities, as hereinbefore provided, of any county in which he shall be, shall have the authority to examine him, and, if necessary, commit him to the hospital to which he would be sent had he been committed from the county of his own settlement.

C. S. 6205. **Expense paid by county of settlement; penalty.** Immediately upon the commitment to a hospital of any such person, a transcript of the proceedings shall be sent to the clerk of the county in which he is settled, and that county shall pay over to that county from which he was committed all the cost of the examination and commitment, and if the board of commissioners of the county of the settlement shall fail to pay all proper expense of said proceedings within sixty days after the claim shall have been presented, they shall forfeit and pay to the county which committed the insane person the sum of two hundred and fifty dollars, to be recovered by the commissioners of that county in a civil action brought in the Superior Court of that county from which the patient was committed to the hospital, against the commissioners of the county.

C. S. 6206. **Person conveying patient to hospital without authority.** No sheriff or other person shall convey a patient to any hospital without having ascertained that the patient will be admitted, and if any sheriff or other person shall carry a patient to a hospital without having ascertained that the patient will be admitted, and the patient is not admitted, he shall be required to convey the patient back to the county of his setlement, and he shall not be repaid by the county or hospital for the expenses incurred in carrying the patient to and from the hospital.

C. S. 6207. **How admission determined, when superintendent is in doubt.** Whenever any insane person shall be conveyed to any hospital, and the superintendent is in doubt as to the propriety of his admission, he may convene any three of the board of directors, who shall constitute a board for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board so decide, such person shall be received into said hospital; but a like board may at any time thereafter deliver such insane person to any friend who will become bound with good surety to restrain him from committing injuries, and to keep, maintain, and take care of him, in the same manner as he might have become bound under the authority of the clerk of the court.

C. S. 6208. **Admission refused, if patient exposed to contagious disease.** The superintendent of the hospital may refuse to receive into his institution a patient when he shall have reliable information that the patient has recently been exposed to infections or contagious disease, and there is danger of contagion and infection being conveyed by the patient, or where the patient comes from a quarantined community. Whenever a patient is rejected because of any of these reasons the superintendent shall make a record of the application, and as soon as, in his opinion, the danger shall have been removed, he shall notify the sheriff of the county, and admit the patient into his hospital.

C. S. 6209. **Commitment upon patient's own application.** Any person believing himself to be of unsound mind, or threatened with insanity, may voluntarily commit himself to the proper hospital. The application for commitment shall be in the form following:

STATE OF NORTH CAROLINA, County of.....

I, ..., a resident of .....County, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the State hospital at.....for such a period of time as the board of directors and the superintendent may deem necessary. And I agree in all respects to conform to the rules and regulations of said institution during the period which shall be prescribed by the superintendent and board of directors.

.....

Attest: .....

This application shall be accompanied by the certificate of a licensed physician, which certificate shall state that in the opinion of the physician the applicant is a fit subject for admission into a hospital, and that he recommends his admission. The certificate of the clerk of the Superior Court need not accompany this application. The superintendent may, if he think it a proper application, receive the patient thus voluntarily committed, and treat him until the next meeting of the board of directors or of the executive committee, and shall report the application and admission to the first meeting of said board, and if said board approves such admission, the patient shall be considered as having been regularly committed, and shall, in all respects, be treated as such. But no report need be made to the clerk of the court of his county of settlement. The superintendent and board of directors shall have the same control over patients who commit themselves voluntarily as they have over those committed under the regular proceedings hereinbefore provided. And no voluntary patient shall be entitled to a discharge until he shall have given the superintendent ten days notice of his desire to be discharged.

C. S. 6210. **Proceedings in case of insanity of citizen of another state.** If any person, not a citizen or resident of this State, but a citizen and resident of another state of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of the state of which the insane person is a citizen of the facts and circumstances by letter (or telegraphic message if he thinks proper), and for a reasonable length of time the insane person shall be kept confined or restrained in said county, but shall not be committed to any State hospital, and if the state of his citizenship shall not provide for the removal from this State to his proper state of the insane person within a reasonable time, the county commissioners of the county in which he shall have been ascertained to be an insane person shall cause him to be conveyed to the state of which he is a citizen and delivered there to the sheriff of his county or to the superintendent of any state hospital. The cost of such proceedings and conveyance away from this State shall be borne by the county in which the person shall have been adjudged to be insane.

C. S. 6211. **Proceedings in case of insanity of alien.** If any person, not a citizen of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of this State of the name of the insane person, the country of which he is a citizen, and his place of residence in said country, if the same can be ascertained, and such other facts in the case as he may obtain, together with a copy of the examination taken; and the Governor shall transmit such information and examination to the Secretary of State at Washington, D. C., with the request that he inform the minister resident or plenipotentiary of the country of which the insane person is supposed to be a citizen.

C. S. 6212. **Insane person temporarily committed to jail.** When any person is found to be insane under any of the provisions of this chapter, and he cannot be immediately admitted to the proper hospital, and such person is also found to be subject to such acts of violence as threaten injury to himself and danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to the county jail until a more suitable provision can be made for his case.

C. S. 6213. **County commissioners may discharge insane person in county.** It shall be the duty of the board of county commissioners, by proper order to that effect, to discharge any ascertained insane person in their county, not admitted to the appropriate hospital, and not committed for crime, when it shall appear upon the certificate of two respectable physicians, and the chairman of their board, that such insane person ought to be discharged if in a hospital.

C. S. 6214. **Discharge of patient from hospital; sheriff's duty; expense paid.** Any three of the board of directors, upon the superintendent certifying the facts (a copy of which certificate shall be sent to the clerk of the Superior Court of the county of settlement), shall be a board to discharge or remove from their hospital any person admitted as insane, when such person has become or is found to be of sane mind, or when such person is incurable, and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or the board may permit such person to go to the county of his settlement on probation, when in the opinion of the superintendent it will not be injurious to himself or dangerous to the community; and the board may discharge or remove such person, upon other sufficient causes appearing to them; and whenever any such person, admitted as indigent, may be so discharged or removed, except

as same, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such person discharged as restored or probated shall receive from such hospital a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county, and, if necessary, the hospital shall provide the patient with a decent suit of clothes. When notified by the superintendent to come for and remove any insane person from the hospital, it shall be the duty of the sheriff of the county in which the insane person has a settlement forthwith to convey the insane person from the hospital to the county of his settlement. The cost of such removal shall be advanced by the sheriff and repaid to him by the county of insane person's settlement; and if any sheriff, after having been notified by the superintendent to remove any insane person, as aforesaid, shall fail to do so within fifteen days from the time of the receipt of the letter of notice, he shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties given in this chapter; and if the commissioners of any county shall fail to repay the hospital the money disbursed in paying for the necessary clothes and traveling expenses of any person discharged as cured from said hospital, within sixty days after the presentation of a claim therefor, the commissioners shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties in this chapter.

C. S. 6215. **Superintendent may discharge patient temporarily.** Each superintendent may, for the space of thirty days, or until the next meeting of the board of three directors provided for in the preceding section, discharge upon probation, any patient, when in his opinion the same would not prove injurious to the patient or dangerous to the community. A report of all such probations shall be rendered to the said board of three directors at their first ensuing meeting.

C. S. 6216. **Bonds for safe-keeping of insane persons; enforcement.** All bonds executed for restraining insane persons from committing injuries, and for their safe-keeping, support and care, shall be payable to the State of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the Superior Court of the county wherein said insane person is settled, for safe-keeping, and may be put in suit by any person injured by said insane person by reason of his insane condition; and shall be put in suit by the solicitor for the judicial district in which the county of said insane person's residence is situated, for any other breach thereof, wherein the damage received shall be for the use of said insane person.

C. S. 6217. **Form of bond for safe-keeping of insane.** The form of bond mentioned in the preceding section shall be as follows:

State of North Carolina, County of.....

Know All Men by These Presents, That we, A....., B....., principal, and C....., D....., and E....., F....., sureties, are held and firmly bound unto the State of North Carolina in the sum of.....dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals, this.....day of....., 19.....

The condition of the above obligation is this:

WHEREAS, The said A....., B....., with the view of hindering G....., H....., an insane person resident in the county aforesaid, from being sent to.....insane hospital (or to effect his release from the said hospital, as the case may be), hath undertaken to restrain him from committing injuries and to keep, maintain, support, and take care of the said G....., H..... Now, if the said A....., B....., shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A....., B....., (SEAL)
C....., D....., (SEAL)
E....., F..... (SEAL)

C. S. 6218. **Patient returned, if condition of bond not complied with.** Whenever it shall be made to appear to the clerk of the Superior Court of the county of settlement of an insane person released on bond that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper hospital by him: unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation; and whenever said insane person shall be sent back, he shall not be delivered on any new bond of the defaulting obligor.

PRIVATE HOSPITALS FOR THE INSANE

C. S. 6219. **Established under license and subject to control of Board of Charities.** It shall be lawful for any person or corporation to establish private hospitals, homes, or schools for the cure and treatment of insane persons, idiots, and feebleminded persons and inebriates; but license to establish said hospitals, homes, or schools must, before the same are opened for ptaronage, be obtained from the board of charities and public welfare, and said hospitals, homes, or schools shall at all times be subject to the visitation of the said board or any member thereof, and each hospital, home, or school shall make to the board a semi-annual report on the first days of January and July of each year.

In said report shall be stated the number and residence of all patients admitted, the number discharged during the six months preceding, and the officers of the hospital, home, or school. Each hospital, home, or school shall file with the board a copy of its by-laws, rules and regulations, and rates of charges. The books of each hospital, home, or school shall at all times be open to the inspection of the board or any member thereof. The board of charities and public welfare is hereby given the authority to supervise and regulate all private hospitals, homes, and schools established hereafter in this State for the treatment of the above classes of people, and the board shall have power to prescribe all such rules and regulations as they may deem necessary, and shall exercise the power of visitation, and for that purpose may depute any member of their board to visit and supervise any private hospital, home, or school hereafter established under this article. The State Board of Charities may bring an action in the Superior Court of Wake County to vacate and annul any license granted by the board, when it shall appear to the satisfaction of the board that the managers of any private hospital, home, or school have been guilty of gross neglect, cruelty, or immorality.

C. S. 6220. **Counties and towns may establish hospitals.** Any county, city, or town may establish a hospital for the maintenance, care, and treatment of such insane persons as cannot be admitted into a State hospital, and of idiots and feebleminded persons upon like conditions and requirements as

are above prescribed for the institution of private hospitals; and the board of charities and public welfare is given the same authority over such hospitals as is given them by the preceding section for private hospitals.

C. S. 6221. **Private hospitals part of public charities.** All hospitals, homes, or schools for the care and treatment of insane persons, idiots and feebleminded persons and inebriates, formed in compliance with the two preceding sections and duly licensed by the board of charities and public welfare, as in this article provided, shall, during the continuance of such license, become and be a part of the system of public charities of the State of North Carolina.

C. S. 6222. **Insane persons placed in private hospital.** Whenever any person shall be found to be insane in the mode hereinbefore prescribed and such person shall be possessed of an income sufficient to support those who may be legally dependent for support on the estate of such insane person, and, moreover, to support and maintain such insane person in any named hospital without the State, or any private hospital within the State, and such insane person, if of capable mind to signify such preference, shall, in writing, declare his wish to be placed in such hospital instead of being in a State hospital (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian), and two respectable physicians who shall have examined such insane person, with the clerk of the court or justice of the peace who made the examination, shall deem it proper, then it may be lawful for the clerk or justice, together with said physicians, to recommend in writing that such insane person shall be placed in the hospital so chosen, as a patient thereof.

C. S. 6223. **Justice of the peace to report to clerk.** It shall be the duty of the justice, when he shall act, to report the proceedings in such cases to the clerk of the Superior Court of the county in which such insane person may reside or be domiciled.

C. S. 6224. **Clerk to report proceedings to judge.** The clerk of the court shall lay the proceedings before the judge of the Superior Court of the district in which such insane person may reside or be domiciled, and if he approve them, he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by the clerk.

C. S. 6225. **Certified copy and approval of judge sufficient authority.** A certified copy of such proceedings, with the approval of a judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the judge to remove him to the hospital designated.

C. S. 6226. **Examination and commitment to private hospital.** When it is deemed advisable that any person, a citizen of the State of North Carolina, or a citizen of another state or country temporarily sojourning in North Carolina, should be detained in any private hospital within the State, two persons, one of whom must be a physician, not connected with any private hospital, shall make affidavit before a justice of the peace or a clerk of the Superior Court of this State that they have carefully examined the alleged insane person; that they believe him to be a fit subject for commitment to a hospital for the insane, and that his detention and treatment will be for his advantage and benefit. This certificate shall be filed and approved by the clerk of the Superior Court in the county in which the examination is held, or in the county in which the private hospital is located, and a certi-

fied copy of this certificate and approval of the clerk shall be deposited with the superintendent of the private hospital as his authority for holding the insane person. The clerk of the court may, if he sees fit, issue warrants and have the alleged insane person before him in manner prescribed in article three of this chapter for the examination and admission to State hospitals, and he may, if he sees fit, order any insane person brought before him to be taken to a private hospital within the State instead of one of the State hospitals, and his warrant shall be sufficient authority for holding such insane person in such private hospital. Idiots, feebleminded persons, and inebriates may be committed to and held in private hospitals or homes in this State in the manner hereinbefore prescribed for insane persons: *Provided*, that a period of detention in a private hospital or home of not less than one month and not more than six months shall be prescribed for inebriates, at the discretion of the clerk of the Superior Court approving the commitment.

C. S. 6227. **Patients transferred from State hospital to private hospital.** When it is deemed desirable that any inmate of any State hospital be transferred to any licensed private hospital within the State, the executive committee may so order, and a certified copy of the commitment on file at the State hospital and the order of the executive committee shall be sufficient warrant for holding the insane person, idiot, or inebriate by the officers of the private hospital.

C. S. 6228. **Guardian of insane person to pay expenses out of estate.** It shall be the duty of any person having legal custody of the estate of an insane person, idiot, or inebriate legally held in a private hospital to supply funds for his support in the hospital during his stay therein, and so long as there may be sufficient funds for that purpose over and beyond maintaining and supporting those persons who may be legally dependent on the estate.

C. S. 6229. **Fees and charges for examination.** The fees and charges for examination for admission to private hospitals shall be the same as for examinations for admission to the State hospitals.

ABOLITION OF THE STATE HOSPITAL FOR THE DANGEROUS INSANE

[CHAPTER 165, PUBLIC LAWS 1923.]

AN ACT TO ABOLISH THE STATE HOSPITAL FOR THE DANGEROUS INSANE AND TO PROVIDE FOR THE COMMISSION AND CARE AND CURE OF SUCH INSANE AT OTHER STATE HOSPITALS.

The General Assembly of North Carolina do enact:

SECTION 1. Sections six thousand two hundred and thirty, six thousand two hundred and thirty-one, six thousand two hundred and thirty-two, six thousand two hundred and thirty-three, six thousand two hundred and thirty-four, and six thousand two hundred and thirty-five be and the same are hereby repealed.

SEC. 2. Section six thousand two hundred and thirty-six be and the same is hereby amended by striking out in line seven thereof the words, "To the hospital for the dangerous insane," and substituting therefor, "to the State Hospital at Raleigh," if the alleged criminal is white, or "to the State Hospital at Goldsboro," if the alleged criminal is colored, and if the alleged criminal is an Indian from Robeson County, to the State Hospital at Raleigh, as now provided for insane Indians from Robeson County.

SEC. 3. That the words, "like patients in other State hospitals," in line ten of section six thousand two hundred and thirty-six be stricken out and the proviso at the end of such section six thousand two hundred and thirty-six be repealed.

SEC. 4. Section six thousand two hundred and thirty-seven of the Consolidated Statutes be and the same is hereby amended by striking out the words in lines seventeen and eighteen thereof, "for the dangerous insane to which such person is or has been committed," and substituting therefor the words, "designated in section two of this act," and by striking out the words, "for the dangerous insane," in line twenty-two of said section and substituting therefor, "designated in section two of this act."

SEC. 5. Section six thousand two hundred and thirty-eight be and the same is hereby amended by striking out the words, "herein provided for," in line four thereof and substituting the words, "designated in section two of this act," in lieu thereof.

SEC. 6. Section six thousand two hundred and thirty-nine be and the same is hereby amended by striking out the words, "for the dangerous insane," in line three thereof and substituting therefor the words, "designated in section two of this act," and by striking out the words, "to said department," in line six thereof and substituting therefor, "to the hospital designated in section two of this act"; by striking out the words, "for the dangerous insane," in line twelve thereof and substituting, "designated in section two of this act."

SEC. 7. Section six thousand two hundred and forty of the Consolidated Statues be and the same is hereby amended by striking out the word "the" in line eight, between the words "in" and "hospital," and substituting therefor the word "said," and by striking out the words, "for the dangerous insane," in line eight; by striking out the words, "for the dangerous insane," in line fourteen thereof.

SEC. 8. Section six thousand two hundred and forty-one of the Consolidated Statutes be and the same is hereby amended by striking out the words, "for the dangerous insane or to one of the other State hospitals for the insane," in lines nine and ten and substituting therefor, "designated in section two of this act," and by striking out the last three words of said section and substituting therefor, "chapter one hundred and three of the Consolidated Statutes."

SEC. 9. Section six thousand two hundred and forty-two of the Consolidated Statutes be and the same is hereby amended so as to read as follows: It shall be the duty of the duly constituted authorities of the State hospitals designated in this act for the insane to receive all such insane persons as shall be committed to said institutions in accordance with the provisions of this act, and to treat and care properly for the same until discharged, in accordance with the provisions of the law.

SEC. 10. Section six thousand two hundred and forty-three of the Consolidated Statutes is hereby repealed.

SEC. 11. As soon as it may be after the ratification of this act, all the dangerous insane now confined in the State Hospital for the Dangerous Insane at Raleigh shall be distributed to the hospitals designated in section two of this act.

SEC. 12. The patients now confined in the State Hospital for the Dangerous Insane shall not, however, be transferred as herein provided from such hospital to the other hospitals until the superintendent of the State Hospital for the Insane at Raleigh and the superintendent of the State Hospital for the Insane at Goldsboro notifies the superintendent of the State's Prison that they are ready to receive such patients.

SEC. 13. Until said State Hospitals for the Insane at Raleigh and Goldsboro are ready to receive the dangerous insane as defined in article six of chapter one hundred and three of the Consolidated Statutes, said dangerous

insane shall continue to be subject to the rules and regulations as now contained in said article six, and the various courts of the State in a proper case shall continue to use the machinery provided in article six above in dealing with said dangerous insane.

SEC. 14. Subject to the limitations contained in sections twelve and thirteen of this act, this act shall take effect from and after its ratification.

Ratified March 6, 1923.

STATE PRISON

C. S. 7698. **Incorporation; action against State.** The Board of Directors of the State's Prison of North Carolina and their successors in office are and shall continue to be a corporation, with the name of the State Prison, which corporation shall be invested with all the property, real and personal, choses in action, and other rights now owned, held or enjoyed by the North Carolina penitentiary or State's Prison, and shall be liable for all of the debts and other liabilities for which the penitentiary or State's Prison is now liable. Any suit or action against such corporation shall be construed to be brought against the State, and no person shall have the right to bring or maintain any suit or action against it, nor shall any of the courts of the State have jurisdiction to try, hear, or determine any such suit or action, except as allowed by the Constitution in case of claims against the State.

C. S. 7699. **Directors appointed by Governor; term four years.** The State's Prison of North Carolina shall be governed and controlled by a board of directors which shall consist of a chairman and four other members, to be appointed by the Governor, by and with the advice and consent of the Senate. The board shall be so appointed during the session of the General Assembly of one thousand nine hundred and five, and every four years thereafter, and their term of office shall be four years, beginning on the fifteenth of March next after their appointment.

C. S. 7703. **Directors to employ servants and agents.** The board of directors are authorized to employ such managers, wardens, physicians, supervisors, overseers, and other servants or agents as they may deem necessary for the management of the affairs of the State's Prison and the safe-keeping and employment of the convicts therein confined. They shall fix the compensation of such servants or agents, prescribe their duties by proper rules and regulations, and may discharge them at will.

C. S. 7707. **Custody, employment, hiring out, and recapture of convicts.** The board of directors shall make provision for receiving and keeping in custody, until discharged according to law, all convicts now confined in such prison, and all such as may be sentenced to imprisonment therein by the courts of this State. It shall also provide for the employment of such convicts, either in the prison or on farms located or owned by the corporation; and may contract for the hire or employment of any able-bodied convicts, not necessary to be detained in the prison, near Raleigh, upon such terms as may be just and fair to the corporation, but such convicts, when so hired or employed, shall remain under the actual management, control, and care of the board of directors or its employees, agents, and servants; but no female convict shall be worked on public roads or streets. The board of directors may provide for the recapture of convicts that may escape from such prison, in such manner as it may deem best, and may pay such reward and expenses to any person making such recaptures as it may think proper. Any citizen

of North Carolina shall have authority without warrant to apprehend any convict who may escape before the expiration of his term of imprisonment, and return him to the State's Prison.

C. S. 7710. **Directors not to furnish supplies.** No director shall furnish any supplies or materials, directly or indirectly, for the support of the convicts, or for the use of the State's Prison.

C. S. 7714. **Sanitary and hygienic care of prisoners.** The sanitary and hygienic care of the prisoners shall be under the direction, supervision, and regulation of the State Board of Health, and all camp equipment shall conform to the plans and specifications of and be approved by the State Board of Health; and the board of directors of the State Prison shall do such things as may be necessary to carry out the recommendations of the State Board of Health. The supervision of the State Board of Health shall apply to the State Prison, the State farms, and county or State camps or other places where the prisoners are confined or housed, and such recommendations as shall be made by the State Board of Health regarding clothes, bedding, tableware, and bathing for the prisoners shall be carried out by the board of directors of the State Prison.

C. S. 7716. **What prisoners sent to State Prison.** All persons convicted of crime in any of the courts of this State whose sentence shall be five years or more shall be sent to the State Prison.

C. S. 7717. **Convicts sent to place of labor.** The board of directors shall, as far as practicable, make arrangements for the conveying of convicts from the places where convicted, direct to the place where they are to be worked, when it would be to the interest of the State so to do.

C. S. 7718. **To be sent within five days.** The sheriff, having in charge any prisoner sentenced to the State's Prison, shall proceed to send him to the State's Prison or place of assignment, within five days after the adjournment of the court at which he was sentenced, if no appeal has been taken.

C. S. 7721. **Board to make regulations.** The board of directors is authorized to adopt such rules and regulations for enforcing discipline as their judgment may indicate, not inconsistent with the Constitution and laws of the State. And they shall print and post the same in the cells of the convicts, and the same shall be read to every convict in the State's Prison when received.

C. S. 7722. **Infraction of rules recorded.** The board of directors shall require to be kept a book in which shall be entered a record of every infraction of the published rules of discipline with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their monthly meeting.

C. S. 7723. **Prisoners classified and distinguished.** The board of directors of the State Prison shall direct the classification of all male prisoners committed to their charge into three classes or grades, as follows: In the first class shall be included all those prisoners who have given evidence that they will, or whom it is believed will, observe the rules and regulations and work diligently, and are likely to maintain themselves by honest industry after their discharge; in the second class shall be included those prisoners who have not as yet given evidence that they can be trusted, but are compe-

tent to work and are reasonably obedient to the rules and regulations of the institution; and in the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations, and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. The men of the first class shall be known as honor men, and when grouped together in camps as hereinafter provided for, the camp shall be known as an "honor camp," and they shall wear a distinctive but not very conspicuous uniform, and shall be worked without guards, and when in prison or camps, or in any other place of detention, they shall not be chained or under armed guards at night. The men of the second class shall wear a conspicuous uniform, and shall be worked under armed guards, but shall not wear chains while at work, but may or may not be chained at night in the discretion of the superintendent. The men of the third class shall be dressed in stripes, shall be worked under armed guards, wear chains during the day, whenever this is considered necessary, and be chained at night when in camp, and shall be worked as far as possible in stockades, inclosing rock quarries, but may be worked on public roads in camps containing only this class of men, at the discretion of the superintendent, or that may hereafter be made by the General Assembly: *Provided, that the classification of male prisoners shall apply to female prisoners in so far as it relates to commutation of time and pay for their work. Honor men may be worked wherever any work is being carried on by the Prison, provided their privileges and immunities as set forth in this section are in no wise abridged.*

C. S. 7724. **Assignment to classes and changes.** Persons sentenced to the penitentiary or State Prison for the first time shall be placed in the first or second class, but the assignment of a prisoner to any one of the three classes referred to in this article shall not be considered to mean that such prisoner must remain in said class, but a prisoner may be changed from a lower to a higher class or from a higher to a lower class, depending upon his behavior, and it shall be the purpose and intent of this section to direct the board of directors of the State Prison to encourage and assist the men to so improve themselves that they can be transferred from a lower to a higher class or grade.

C. S. 7725. **Commutation of time, allowances, and earnings.** *The men of the first class shall be allowed a commutation of their sentence of one hundred and four days per each year served, and the men of the second class shall be allowed a commutation of their sentence of seventy-eight days for each year they serve, and the men of the third class shall be allowed a commutation of their sentence of fifty-two days for each year they serve. If a man remains in the third class for three continuous years, he shall not be allowed any further commutation of time. In the event any prisoner shall be sentenced for a less period of time than one year, said prisoner shall be entitled to a proportionate commutation of his sentence.* The men of the first class shall be allowed *fifteen* cents per day for each day they work, and those in the second class *ten* cents per day, and those in the third class *five* cents per day for each day they work; and the sum shall, in case the prisoner has a family which was dependent upon him, be paid monthly to such family. In case the prisoner has no family, then the money earned by said prisoner shall become accumulative, to be paid over to the prisoner at the time of his discharge, or to be drawn upon by the prisoner for the purchase of such things as the prisoner may desire and for other purposes, by and with the approval of the superintendent. *All life prisoners shall receive four cents per day for each day they work. This amount to be placed to their credit on the books of the institution, one-half of which may be drawn out semi-*

annually and used as they see fit, and the other half to remain to their credit on the books of the institution and paid to them in case they are pardoned.

C. S. 7726. **Employment at useful labor; hours per day.** The board of directors of the State Prison shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farms, or reformatories in the State, so far as is practicable, cause all the prisoners in such institutions who are physically capable thereof to be employed at useful labor not to exceed ten hours of each day, other than Sundays and public holidays: *Provided*, that not more than nine hours work per day shall be permitted when prisoners are hired to private persons, firms, or corporations. This section shall not apply to work on the State farm, nor to existing contracts heretofore made by this State.

C. S. 7727. **Prisoners examined for assignment to work.** Each prisoner committed to the charge of the board of directors of the State Prison shall be carefully examined by a competent physician in order to determine his physical and mental condition, and his assignment to the prison, farm, or camps, and the work that he is required to do, shall be dependent upon the report of said physician as to his physical and mental capacity.

C. S. 7728. **Whipping or flogging prisoners.** It is unlawful for the board of directors of the State Prison to whip or flog, or have whipped or flogged, any prisoner committed to their charge until twenty-four hours after the report of the offense or disobedience, and only then in the presence of the prison physician or prison chaplain; and no prisoner other than those of the third class as defined in this act shall be whipped or flogged at any time.

C. S. 7729. **Prisoner's supplies and clothes to be marked.** The prisoner's number shall be used for marking all clothes, bedclothing, beds, and other supplies used by the prisoners, so that when such clothes, bedclothing, and supplies are washed and cleaned they shall be always returned for the use of the same prisoner.

C. S. 7730. **Uniform for prisoners; felon's stripes.** It is the duty of the several judicial officers of the State, in assigning any person to work the public roads of any county, to designate in each judgment that such as may be convicted of a felony shall wear felon's stripes, and such as are convicted of a misdemeanor shall not wear felon's stripes. In order to carry into effect the provisions of this section, the State Prison board shall prescribe a uniform to be worn by persons convicted of felony, and a uniform to be worn by persons convicted of a misdemeanor, which shall be different and easily distinguished from the uniform of the felon; but the State Prison board or other governing authority may, in their discretion, allow prisoners sentenced for misdemeanor only to wear clothes similar to that worn by the ordinary citizen. The board of commissioners of the respective counties in which convicts are worked on the public roads shall provide uniforms of each kind, except in those cases exempted in this section.

C. S. 7731. **Violation as to work in felon's uniform; officer liable.** It shall be unlawful to work persons convicted of a felony in other than the uniform of a felon, or to clothe a person convicted of a misdemeanor in the uniform of a felon. Any superintendent of convicts or other person in authority who shall violate this law shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court; and, moreover, be liable in damage to the party aggrieved, to be recovered in a civil action, which may be brought in either the county from which the party was sentenced or the county in which the wrong was done.

C. S. 7732. **Recreation and instruction of prisoners.** The board of directors of the State Prison is authorized and directed to arrange certain forms of recreation for the prisoners, and shall arrange so that the prisoners, during their leisure hours between work and time to retire, shall have an opportunity to take part in games, and attend lectures, and take part in other forms of amusement as may be provided by the board. The said board is also authorized and directed to make such arrangements as are necessary to enable classes to be organized amongst the prisoners, so that those who desire may receive instruction in various lines of educational pursuits. The board shall utilize, where possible, the services of the prisoners who are sufficiently educated to act as instructors for such classes in education; such services, however, shall be voluntary on the part of the prisoner. The board is further authorized and directed to make such arrangements as will be necessary so that religious services may be held for the prisoners on Sundays, and at such other times as they may deem wise. The attendance of the prisoners at such religious services shall be voluntary. That the provisions of this section shall apply to the State Prison, State farm, and State camps.

C. S. 7733. **Use of intoxicants forbidden to employes.** No one addicted to the use of intoxicating liquors shall be employed as superintendent, warden, guard, or any other position connected with the State Prison, State farm, State camps, where such position requires the incumbent thereof to have any charge or direction of the prisoners; and any one holding such position, or any one who may be employed in any other capacity in said State Prison, State farm, or State camps who shall come under the influence of intoxicating liquors shall at once cease to be an employee of any of the institutions, and shall not be eligible for reinstatement to said position or be employed in any other position in any of the institutions. *Any superintendent, warden, supervisor, or other person holding any position in the State Prison who curses a prisoner under his charge shall at once cease to be an employee of the institution and shall not be eligible for reinstatement.*

C. S. 7734. **Correspondence of prisoners regulated.** The prisoners confined at any State prison, State farm, or State camp who are in the first class or grade authorized by this article shall be allowed general correspondence privileges in so far as such correspondence does not interfere with the work and discipline of the said prison, farm, or camp; prisoners who are in the second class or grade authorized by this article shall be allowed similar correspondence privileges but somewhat more restricted than those in the first class or grade; and prisoners who are in the third class or grade authorized by this act shall only be allowed such correspondence privileges as may be deemed best by the superintendent. Any prisoner shall be permitted to write a letter to the Governor of the State at any time he desires, and said letter shall be mailed for him as other letters are mailed.

C. S. 7735. **Divine services; Sunday school.** The board of directors is authorized to provide for divine service for the convicts each Sunday, if possible, and to secure the visits of some minister at the hospital to administer to the spiritual wants of the sick, and an appropriation of not more than five hundred dollars per annum may be used for these purposes. The sum of fifty dollars per annum is appropriated for the use of the State's Prison Sunday School, to be paid to the warden of the State's Prison by the State Treasurer on the warrant of the Auditor.

C. S. 7736. **Religious instruction at Caledonia Farm.** The board of directors of the State's Prison is authorized and directed, in order to provide religious worship for the prisoners confined in the State's Prison, known

as the Caledonia Farm, to employ a resident minister of the gospel and to provide for his residence and support in such manner as the board may determine. It shall be the duty of such resident minister of the gospel to render religious services to the prisoners in accordance with such rules and regulations as the board of directors may prescribe.

C. S. 7738. **Indeterminate sentence and discharge.** The various judges of the Superior Court of North Carolina are authorized and directed, in their discretion, in sentencing prisoners to the State Prison, to pass upon such prisoner a minimum and maximum sentence, thus making the sentence of the prisoner an indeterminate sentence, and the board of directors of the State Prison is authorized and directed to consider at least once every six (6) months the cases of such prisoners as have been committed to the State Prison with an indeterminate sentence, as to whether such prisoner is entitled to a discharge, and to take into consideration the said prisoner's record since committed to the charge of the board of directors of the State Prison: *Provided*, that the prisoner has served the minimum time to which he was sentenced after allowing credit for good behavior as authorized by law.

C. S. 7739. **Application for pardon to include record.** Any application for the pardon of a prisoner committed to the charge of the board of directors of the State Prison shall include a record of such prisoner since he was committed to the charge of the board; and in determining whether or not a parole or pardon shall be granted, consideration shall be given to the record of such prisoner; and the record of such prisoner shall be available to those making the application.

C. S. 7740. **Prisoners of different races kept separate.** White and colored prisoners shall not be confined or shackled together in the same room of any building or tent, either in the State Prison or at any State or county convict camp, during the eating or sleeping hours, and at all other times the separation of the two races shall be as complete as practicable. Any officer or employee of either the State or any county in the State having charge of convicts or prisoners who shall violate or permit the violation of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

C. S. 7741. **Separation of youthful prisoners.** Youthful convicts shall be kept separate from old and hardened criminals in sleeping quarters.

C. S. 7742. **Punishment for recaptured prisoners.** If a prisoner of the first or second class or grade attempts to escape or leaves the Prison, State farm, or State camp without permission, he shall, upon being recaptured, be reduced to the third class or grade and shall permanently lose all his accumulated time and money; and the board of directors of the State Prison is authorized and directed to use every means possible to recapture any man escaping or leaving, without permission, any of the State prisons, camps, or farms, regardless of expense.

C. S. 7743. **Recapture of escaped felons; reward.** It is the duty of the superintendent of the State's Prison, when any person escapes from the State's Prison who has been confined or placed to work, to immediately notify the Governor, and to accompany such notice with a full description of the escaped, together with such information as will be of service in the recapture. The Governor is authorized to offer such reward as he may deem advisable and necessary for the recapture and return to the State's Prison

of any person who may escape or who heretofore has escaped therefrom. Such reward, when earned, shall be paid by the Treasurer of the State upon the warrant of the Governor and charged to the penitentiary board, and by said board to be repaid to the State Treasurer, and accounted for as part of the expense of maintaining the State's prisoners.

C. S. 7744. **Copy of this article supplied to prisoners.** That this article shall be printed in pamphlet form and each prisoner committed to the charge of the board of directors of the State Prison shall be supplied with a copy, and its contents shall be explained to him at the time he is brought to the State Prison.

C. S. 7745. **Overseers and guards may maintain discipline.** When a convict or several combined shall offer violence to any officer, overseer or guard, or to any convict, or attempt to do any injury to the prison building or the workshops, or shall attempt to escape, or shall resist or disobey any lawful command, the officer, overseer, or guard shall use any means necessary to defend himself, to enforce the observance of discipline, to secure the person of the offender and to prevent an escape.

C. S. 7746. **Death of convict investigated by directors.** It shall be the duty of the board of directors, or some member thereof, upon information of the death of a convict other than by natural causes, to investigate the cause thereof and report the results of such investigation to the Governor, and for this purpose the board of directors, or any member thereof, shall have power to administer oaths, and send for persons and papers.

C. S. 7747. **Convict furnished transportation out of commutation money.** The superintendent of the State's Prison shall furnish to every convict, upon the expiration of his term of imprisonment, a certificate of transportation or railroad ticket to the county in which such convict was convicted, or to any other county less distant which such convict may designate, and in which the State's Prison may not have convicts employed, and shall pay the cost thereof out of commutation money, if there be any to the credit of such convict, under the provisions of this chapter; and the superintendent shall so countersign such certificates or tickets as to render them nontransferable, and shall compel every convict, as the proper holder thereof, to take passage upon the train or steamboat bound for the destination of such convict.

C. S. 7748. **Children born in State's Prison.** Any child born of a female convict while she is in the custody of the State's Prison that shall not be taken in charge upon arrival at an age suitable to be separated from the mother by some of its kindred or other responsible party shall, on the application of the deputy warden to the clerk of the Superior Court of the county of Wake, be disposed of as the law provides in the case of children whose parents are dead or unable to provide for them.

C. S. 7758. **Farming out prisoners; counties and towns may employ.** It shall be lawful for the board of commissioners of any county, and likewise for the corporate authorities of any city or town, to contract in writing with the board of directors of the State's Prison for the employment of such convicts as by existing laws may be hired to railroad companies, upon the highways or streets, for the construction or improvement of the same, of the county, city, or town whose authorities shall so hire such convicts.

C. S. 7759. **Duty to hire to counties and towns.** Upon application to them it shall be the duty of the board of directors of the State's Prison to hire to the board of commissioners of any county, and to the corporate authorities of any city or town, for the purpose specified in the preceding section, such convicts as may lawfully be hired for service outside the State's Prison, as shall not at the time of such application be so hired; but the convicts hired for service upon the highways and streets shall be fed, clothed, and quartered while so employed, by the board of directors or managers of the State's Prison as in case of the hiring of convicts to railroad companies.

C. S. 7760. **Contract for hire; how enforced.** The board of commissioners of any county and the corporate authorities of any city or town so hiring such convicts shall pay into the treasury of the State for the labor of any convict so hired a sum of money equal to the average cost in money of feeding, clothing, guarding, and transporting such convicts to and from the place of employment for the town of such hiring, and the money so to be paid at such times as may be agreed upon in the contract of hire; and if any such county, city, or town shall fail to pay the money due for such hiring, the same shall bear interest from the time it shall become due until paid, at the rate of six per cent per annum, if such rate is agreed upon in such written contract, and an action to recover any sum of money so due and imposed may be brought by the Attorney-General in the Superior Court of the county of Wake in the name of the State.

C. S. 7761. **Counties to appoint superintendents.** The board of commissioners of any county and the corporate authorities of any city or town so hiring such convicts shall have power to appoint and remove at will all such necessary agents to superintend the construction or improvement of such highways and streets as they may deem proper, and to pay the costs and expenses incident to such hiring may levy taxes and raise money as in other respects.

C. S. 7762. **Contracts for labor or products of labor regulated.** The board of directors of the State Prison shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner or convict sentenced to the State Prison or Reformatory, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation, unless such convict shall be fed and clothed by the Prison, and shall be quartered, guarded and worked under the sole supervision and control of the Prison directors; except that the prisoner or convict may work for and the products of his labor may be disposed of to the State, or for or to any public institution owned, managed or controlled by the State, or for or to any county of the State; but the products of the State farm may be sold in the open market for the purpose of making the State Prison self-supporting, as contemplated by the Constitution. This section shall not apply to any *bona fide* contracts already made by the State with any person, firm, or corporation for the use of prisoners or convicts, if such contract is in force.

C. S. 7763. **Work on railroad and public works.** No State convicts shall be worked upon any railroad or public works of the State or county or any subdivision of any county or any works of any character whatsoever, if in the opinion of the Governor and board of directors of the State Prison, the Prison would thereby be made not self-sustaining, and should at any time the surplus convicts that are not already engaged in farm work be engaged in any work for State, county, or any subdivision thereof, or any contract work of any nature, and in the judgment of the Governor and the board of

directors, the services of such convicts should be needed at the State farm, to properly cultivate or to house the crops, the said board of directors are hereby authorized and empowered to discontinue such work and move the prisoners to the State farm at once. This section shall not be construed to interfere with contracts or agreements now in existence

REFORMATORY FOR YOUTHFUL OFFENDERS

C. S. 7764. **Directors may establish reformatory.** There may be established in connection with the North Carolina State's Prison, under the control and direction of the board of directors of that institution, a reformatory, either within the enclosure of the penitentiary or elsewhere as said board shall deem most practicable and economical, in which reformatory convicts under the age of eighteen years sentenced to the penitentiary shall be confined separate and apart from other convicts.

C. S. 7765. **May exempt from convict garb.** It shall be in the discretion of the board to exempt the convicts confined in the reformatory from the requirement of wearing the usual convict garb.

C. S. 7766. **Not to apply to certain crimes.** Nothing in the two preceding sections shall apply to convicts sentenced for the crimes of murder, arson, rape, or burglary.

RELATIVE TO THE SUPPORT OF THE STATE'S PRISON

AN ACT TO AMEND SECTIONS 7704 AND 7711 OF THE CONSOLIDATED STATUTES, RELATING TO THE SUPPORT OF THE STATE'S PRISON.

The General Assembly of North Carolina do enact:

SECTION 1. That sections seven thousand seven hundred and four and seven thousand seven hundred and eleven of the Consolidated Statutes of North Carolina be and the same are hereby amended to read as follows:

"7704. The board of directors shall require such of its officers, employees, or agents as they shall authorize to receive the moneys and earnings of said institutions to enter into good bonds, to be approved by the board, in such amounts as will fully secure their faithfully accounting for the same.

"7711. All moneys belonging to the institutions under the control of the board of directors of the State's Prison which shall come into the hands of any of its officers or employees shall be paid into the General Revenue Fund in the hands of the State Treasurer within ten days after the same is received, accompanied by a statement showing the source or sources from which the same was derived. The institutions under the control of the board of directors of the State's Prison shall be maintained from legislative appropriations, and disbursements on account of these institutions shall be made by the State Treasurer, pursuant to these appropriations upon warrants drawn by the State Auditor, after the presentation of itemized vouchers signed by such officer or agent as the board of directors shall authorize, and approved by the chairman of the board. Duplicates of such vouchers shall be kept and filed in the office of the chairman of the board of directors, and the originals thereof shall be kept and filed when paid in the office of the State Treasurer."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A.D. 1923.

ADVISORY BOARD OF PAROLE

C. S. 7749. **Creation of board; duties and powers.** There is established a board to be known and designated as an "Advisory Board of Parole," consisting of the Attorney-General, Chairman, the Chairman of the Board of Directors of the State's Prison, and the Chairman of the Board of State Charities, whose duties and powers shall be to act in an advisory capacity to the Governor with respect to the parole or conditional pardon of prisoners in the State's Prison. The Chairman of the Board of Directors of the State's Prison and the Chairman of the Board of State Charities shall be paid for their services as members of said board the same per diem and expenses as are now or may be allowed by law to the Chairman of the Board of Directors of the State's Prison, and such payment shall be made by the State Treasurer upon voucher from the State Auditor issued upon itemized statement approved by the Chairman of the Board of Parole, and sums now due for services for the years one thousand nine hundred and seventeen and one thousand nine hundred and eighteen shall be paid in like manner.

C. S. 7750. **Record of conduct of prisoners.** It is the duty of the superintendent of the State's Prison and superintendents of county chain gangs or road forces, under rules and regulations to be made and proulgated by the Board of Parole, to keep a record of the conduct and demeanor of all prisoners held in the State's Prison and on county chain gangs. The Advisory Board of Parole shall formulate rules for application for pardons and paroles for persons serving on county chain gangs, and when such rules have been approved by the Governor they should be followed and observed by all persons applying for pardons or paroles for persons serving upon chain gangs or in other county or local prisons.

C. S. 7751. **Meetings of board.** The Advisory Board of Parole shall meet once each month in the office of the Attorney-General at such time as may be agreed upon by the board and carefully consider the record, and all other facts and circumstances which may be produced, to ascertain whether or not any prisoner, the consideration of whose privilege of parole may come before the board, should be recommended to the Governor as a proper person to be paroled on conditional pardon.

C. S. 7752. **Cases considered.** After any prisoner has been confined in the State's Prison as long as the minimum punishment prescribed by statute for the offense of which such prisoner was convicted, provided such minimum punishment is not less than one-fourth the term for which such prisoner was sentenced by the court, and at the next monthly meeting of the Board of Parole, the superintendent of the State's Prison shall lay before the board the case of such prisoner to determine whether or not, in the opinion of the board, such prisoner should be discharged on parole; but this shall not be understood as depriving the Board of Parole of the discretion of taking up the case of any prisoner at any time prior to that above stated. The board shall ascertain from the record of such prisoner for the time during which he has been held, or for the last nine months, whether he has been of good demeanor and of meritorious conduct, as shown by obedience to the rules and regulations, and from any other facts and circumstances which may be produced with respect to his past life and conduct, whether such prisoner is a proper subject to recommend to the Governor for parole under a conditional pardon.

C. S. 7753. **Report to Governor; conditional pardon; allowance to prisoners.** After the board has ascertained the facts mentioned above, they shall have discretion and power to determine whether or not, in their judgment, such a prisoner is a proper subject for parole under a conditional pardon. And if they determine that such parole should be granted, they shall make a brief report in writing to the Governor, with their findings of fact as to his record while in the State's Prison, as to his previous life and conduct, and as to indications of his purpose to reform; and if the Governor approve the granting of a parole in such case, he may grant a conditional pardon under his constitutional power to grant reprieves, commutations, and pardons and according to the practice and procedure heretofore observed and followed in the granting of conditional pardons by the Executive. On the discharge of any prisoner from the State's Prison on parole, he shall be provided, at the expense of the State, with a suit of clothes, transportation to the county in which he has secured employment, or in which it is his purpose to reside, and with five dollars in cash, all to be paid by order of the superintendent of the State's Prison from the funds belonging to such prison. Such parole shall be for such time as will fill out the term of imprisonment to which the prisoner was sentenced.

C. S. 7754. **Prisoners discharged on parole to report monthly.** Any person discharged on parole, under this article, shall, during the parole, report on the second Monday in each month to the clerk of the Superior Court of the county in which he resides, and show to the satisfaction of such clerk that by his industry and good conduct he has satisfied the conditions of his parole.

C. S. 7755. **Reimprisonment.** If the Governor shall order the reimprisonment of any person discharged on parole, he may issue his order directly to the sheriff of the county in which such prisoner was due to report to the clerk of the Superior Court, or to the sheriff of any county in the State, directing the arrest of such person and his return by such officer to the State's Prison, the expense of which shall be paid by the State Treasurer upon a warrant issued by the State Auditor on an order made by the superintendent of the State's Prison.

C. S. 7756. **No deduction of time.** If any such person be reimprisoned by order of the Governor for failure to report monthly to the clerk, or for violation of the conditions of his parole, the time such person has been out on parole shall not be deducted from the term of imprisonment to which he was originally sentenced by the court, but the time of his imprisonment shall be understood as continuing from the time he was discharged on his parole.

C. S. 7757. **No impairment of Governor's powers.** This article is not to be taken as in any way attempting to interfere with or regulate the power of the Governor to grant reprieves, commutations, and pardons upon his own initiative and executive responsibility in as full and ample a manner as it has heretofore been understood and exercised.

COUNTY PRISONS AND PRISONERS

C. S. 1317. **Courthouse and jail built and repaired by commissioners.** There shall be kept and maintained in good and sufficient repair in every county a courthouse and common jail, at the expense of the county wherein the same is situated. The boards of commissioners of the several counties respectively shall lay and collect taxes, from year to year, as long as may be necessary, for the purpose of building, repairing and furnishing their

several courthouses and jails, in such manner as they think proper; and from time to time shall order and establish such rules and regulations for the preservation of the courthouse, and for the government and management of the prisons, as may be conducive to the interests of the public and the security and comfort of the persons confined.

C. S. 1318. **Jail to have five apartments.** The common jails of the several counties shall be provided with at least five separate and suitable apartments, one for the confinement of white male criminals; one for white female criminals; one for colored male criminals; one for colored female criminals; and one for other prisoners.

C. S. 3944. **Custody of jail.** The sheriff shall have the care and custody of the jail in his county; and shall be, or appoint, the keeper thereof.

C. S. 3919. **Fees of jailers.** Jailers shall receive, for furnishing prisoner with fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, with every necessary attendance, a sum not exceeding fifty cents per day, unless the board of commissioners of the county shall deem it expedient to increase the fees, which it may do provided such increase shall not exceed fifty per cent on the above sum.

C. S. 4407. **Injury to prisoner by jailer.** If the keeper of a jail shall do, or cause to be done, any wrong or injury to the prisoners committed to his custody, contrary to law, he shall not only pay treble damages to the person injured, but shall be guilty of a misdemeanor.

C. S. 4408. **Confining prisoners to improper apartments.** If the sheriff or jailer shall wantonly or unnecessarily confine those committed to his custody in any apartment, other than that provided and designated by law for persons of the description of the prisoner, he shall be guilty of a misdemeanor.

C. S. 1319. **To be heated.** It is the duty of the board of commissioners in every county to have the common jail so heated by furnaces, stoves, or otherwise, as to render them warm and comfortable. A failure to discharge the duty herein specified shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

C. S. 1320. **Bedding to be furnished.** The board of county commissioners, from time to time, as may be necessary, shall order the sheriff of the county to purchase, for the use of their jail, a certain number of good, warm blankets or other suitable bedclothing, which shall be securely preserved by the jailer, and furnished to the prisoners for their use and comfort, as the season or other circumstances may require; and the sheriff, at least once in every year, shall report to the board of commissioners the condition and number of such blankets and bedclothing.

C. S. 1321. **Prison bounds.** For the preservation of the health of persons committed to jail, the board of commissioners of each county shall mark out such a parcel of the land as they think fit, not exceeding six acres, adjoining the prison, for the rules thereof; and every prisoner not committed for treason or felony, giving bond with good security to the sheriff of the county to keep within the rules, shall have liberty to walk therein, out of the prison, for the preservation of his health; and on keeping continually within the said rules, shall be deemed to be in law a true prisoner. In order that

every person may know the true bounds of said rules, they shall be recorded in the county records, and the marks thereof shall be renewed as occasion may require.

C. S. 1346. **Jailor to cleanse jail, furnish food and water.** The sheriff or keeper of any jail shall, every day, cleanse the room of the prison in which any prisoner is confined, and cause all filth to be removed therefrom; and shall also furnish the prisoner plenty of good and wholesome water, three times in every day; and shall furnish each prisoner fuel, not less than one pound of wholesome bread, one pound of good roasted or boiled flesh, and every necessary attendance.

C. S. 1347. **Prisoner to pay charges and prison fees.** Every person committed by lawful authority, for any criminal offense or misdemeanor, shall bear all reasonable charges for guarding and carrying him to jail, and also for his support therein until released; and all the estate which such person possessed at the time of committing the offense shall be subjected to the payment of such charges and other prison fees, in preference to all other debts and demands. If there is no visible estate whereon to levy such fees and charges, the amount shall be paid by the county.

C. S. 1348. **Prisoner may furnish necessaries.** Prisoners shall be allowed to purchase and procure such necessaries, in addition to the diet furnished by the jailer, as they may think proper; and to provide their own bedding, linen and clothing, without paying any perquisite to the jailer for such indulgence.

C. S. 1349. **United States prisoners to be kept.** When a prisoner is delivered to the keeper of any jail by the authority of the United States, such keeper shall receive the prisoner, and commit him accordingly; and every keeper of a jail refusing or neglecting to take possession of a prisoner delivered to him by the authority aforesaid shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the State. The allowance for the maintenance of any prisoner committed as aforesaid shall be equal to that made for prisoners committed under the authority of the State.

C. S. 1353. **Where no jail, sheriff may imprison in jail adjoining county.** The sheriffs, constables, and other ministerial officers of any county in which there is no jail have authority to confine any prisoner arrested on process, civil or criminal, and held in custody for want of bail, in the jail of any adjoining county, until bail be given or tendered. And any sheriff or jailer having a prisoner in his custody, by virtue of any mode of commitment provided in this chapter, shall be liable, civilly and criminally, for his escape, in the manner as if such prisoner had been confined in the prison of his proper county.

C. S. 1354. **Where no jail, courts may commit to jail of adjoining county.** Whenever there happens to be no jail, or when there is an unfit or insecure jail, in any county, the Superior Court judges, justices of the peace, and all judicial officers of such county may commit all persons brought before them, whether in a criminal or civil proceeding, to the jail of any adjoining county, for the same causes and under the like regulations that they might have ordered commitments to the usual jail; and the sheriffs, constables, and other officers of such county in which there is no jail, or an unfit one, and the sheriffs or keepers of the jails of the adjoining counties, shall obey any order of commitment so made. Any officer failing to obey such order shall be guilty of a misdemeanor.

C. S. 1356. **Counties and towns may hire out certain prisoners.** The board of commissioners of the several counties, within their respective jurisdictions, or such other county authorities therein as may be established, and the mayor and intendant of the several cities and towns of the State, have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public highways, public works, or other labor for individuals or corporations, of all persons imprisoned in the jails of their respective counties, cities and towns, upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all the costs which they are adjudged to pay, or to give good and sufficient security therefor: *Provided,* such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. The amount realized from hiring out such persons shall be credited to them for the fine and bill of costs in all cases of conviction. It is unlawful to farm out any such convicted person who may be imprisoned for the nonpayment of a fine, or as punishment imposed for the offense of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize.

C. S. 1359. **Convicts who may be sentenced to or worked on roads.** When any county has made provision for the working of convicts upon the public roads, or when any number of counties have jointly made provision for working convicts upon the public roads, it is lawful for and the duty of the judge holding court in such counties to sentence to imprisonment at hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jail or in the State's Prison, the following classes of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly, or in part, imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise, wholly or in part, be imprisonment in the State's Prison for a term not exceeding ten years.

In such counties there may also be worked on the public roads, in like manner, all persons sentenced to imprisonment in jail by any magistrate; and also, all insolvents imprisoned by any court in said counties for nonpayment of costs in criminal causes may be retained in imprisonment and worked on the public roads until they repay the county to the extent of the half fees charged up against the county for each person taking the insolvent oath. The rate of compensation to be allowed each insolvent for work on the public roads shall be fixed by the county commissioners at a just and fair compensation, regard being had to the amount of work of which each insolvent is capable.

C. S. 1360. **Deductions from sentence allowed for good behavior.** When a convict has been sentenced to work upon the public roads of a county, and has faithfully performed the duties assigned to him during his term of sentence, he is entitled to a deduction from the time of his sentence of five days for each month, and he shall be discharged from the county roads when he has served his sentence, less the number of days he may be entitled to have deducted. The authorities having him in charge shall be the sole judges as to the faithful performance of the duties assigned to him. Should he escape or attempt to escape he shall forfeit and lose any deduction he may have been entitled to prior to that time. This section shall apply also to women sentenced to a county farm or county home.

C. S. 1361. **Convicts sentenced to roads to be under county control.** The convicts sentenced to hard labor upon the public roads, under second

section preceding, shall be under the control of the county authorities, and the county authorities have power to enact all needful rules and regulations for the successful working of convicts upon the public roads. The county commissioners may work such convicts on the public roads or in canaling the main drains and swamps or on other public work of the county.

C. S. 4409. **Requiring female prisoners to work in chain gang.** If any officer, either judicial, executive or ministerial, shall order or require the working of any female on the streets or roads in any group or chain gang in this State, he shall be deemed guilty of a misdemeanor.

C. S. 1365. **Commissioners may establish houses of correction.** The board of commissioners may, when they deem it necessary, establish within their respective counties one or more convenient institutions to be known as houses of correction, or, in the discretion of the board of commissioners, as training schools, municipal farms, or juvenile farms, with workshops and other suitable buildings for the safe keeping, correcting, governing, and employing of offenders legally committed thereto. They may also, to that end, procure machinery and material suitable for such employment in said institutions, or on the premises; and moreover attach thereto a farm or farms; and all lands purchased for the purposes aforesaid shall vest in the directors hereinafter provided for, and their successors in office. The said board also has power to make, from time to time, such rules and regulations as it may deem proper for the kind and mode of labor and the general management of the said institutions.

C. S. 1366. **Who must or may be committed to such institutions.** It shall be the duty of the judges of the criminal courts and other committing magistrates of such county or counties to sentence or commit thereto all youthful offenders of the age of sixteen years and under, convicted of any crime or misdemeanor whereof the punishment by statute prescribes a fine or sentence of imprisonment or working the roads. Said judges and committing magistrates may also sentence thereto any female prisoners and such other offenders convicted of misdemeanors who by reason of physical infirmities or mental deficiencies ought not to be imprisoned in the county jail or worked on the public roads. Nothing herein shall be construed to prevent the working at light labor of any partially disabled or infirm convict, or female prisoner, on or about any of the public works, buildings, or grounds in any such county at and upon the request of the board of county commissioners, with the approval of the court or committing magistrate.

C. S. 1369. **Governor to be notified of establishment.** When any institution is established in pursuance of this article, it is the duty of the chairman of the board of commissioners of the county wherein the same is established to certify the fact to the Governor, who shall cause it to be noted in a book kept for that purpose.

C. S. 1370. **Directors to be appointed; duties.** The board of commissioners shall annually appoint not less than five or more than nine directors for each institution hereunder established, whose duty it is to superintend and direct the manager herein named in the discharge of his duties; to visit said houses at least once in every three months; to see that the laws, rules and regulations relating thereto are duly executed and enforced, and that the persons committed to his charge are properly cared for, and not abused or oppressed. The directors shall keep a journal of their proceedings, and publish annually an account of the receipts and expenditures. They shall fur-

ther make a quarterly report to their respective county commissioners of the general condition of their charge, and of the receipts and expenditures of the institution. They shall also make such by-laws and regulations for the government thereof as shall be necessary, which shall be reported to and approved by the said commissioners. The directors shall be paid for the services rendered, by the county treasurer, each director first making it appear to the satisfaction of the board of county commissioners, by his oath, the character and extent of the services rendered for which he claims compensation; and such payment shall be made by the county treasurer out of any funds in his hands not otherwise appropriated.

C. S. 1372. **Manager to be appointed; bond, duties.** The board of commissioners shall appoint a manager for each house or establishment, who shall give a bond, with two or more solvent sureties, in such sum as may be required, payable to the State of North Carolina, conditioned for the faithful discharge of his duties. He shall hold his office during the pleasure of the board, and be at all times under the supervision of the directors; and in case of his misconduct, of which they shall be the sole judges, he may be forthwith removed by them and a successor appointed, who shall discharge the duties of the office until another manager is appointed by the board of commissioners. It is the duty of the manager to receive all persons sent to the house of correction, to keep them during the time of their sentence, and to employ and control them according to the rules and regulations established therefor. He shall have the direction and control over the subordinate officers, assistants and servants, who may be appointed by the directors. He shall make monthly reports to the directors of his management of the institution and his receipts and expenditures.

C. S. 1373. **Manager to assign employment to inmates.** The manager shall assign to each person sent to such institution the kind of work in which such person is to be employed.

C. S. 1374. **Compensation of officers.** The said board of commissioners shall direct what compensation the manager and such subordinate officers, assistants and servants, as shall be appointed, shall receive, and shall provide for the payment thereof.

C. S. 1375. **Sheriff to convey persons committed.** When a person is sentenced to such institution he shall forthwith be committed by the court to the custody of the sheriff, to whom the clerk shall immediately furnish a certified copy of the sentence, in which it shall be stated (if the fact be so) that the offender is committed as a vagrant. The sheriff shall convey the offender to the institution, and deliver him to the manager with the certified copy aforesaid, and take the manager's receipt for the body; which receipt the sheriff shall return to the clerk of the board of commissioners, with his indorsement of the time when the offender was committed to him and delivered to the manager, and the clerk shall record the same in a book kept for that purpose, and file the original with the papers in the case.

C. S. 1376. **Absconding offenders punished.** If any offender absconds, escapes, or departs from any such institution without license, the manager has power to pursue, retake and bring back, and to require all necessary aid for that purpose; and when brought back, the manager may confine him to his work in such manner as he may judge necessary, or may put him in close confinement in the county jail or elsewhere, until he submits to the

regulations of such institution; and for every escape each offender shall be held to labor in such institution for the term of one month in addition to the time for which he was first committed.

C. S. 1377. **Release of vagrants.** If a person committed as a vagrant behaves well and reforms, he may, on the certificate of the manager, be released by the directors. But if otherwise committed, he may be released by the committing authority, upon the certificate of the manager and directors, upon such conditions as they may deem proper.

C. S. 1379. **Counties may establish joint house of correction.** Any two or more counties, acting through their respective boards of commissioners, may jointly establish one or more convenient houses of correction, as is provided in the preceding sections, for the joint use of the counties so agreeing together; and the same may be established at such place or places, and be in all respects managed under such by-laws, rules and regulations as a majority of the general board of directors, to be appointed as hereinafter directed, shall determine.

HEALTH OF PRISONERS

C. S. 7207. **Tuberculous county prisoners to be segregated.** The board of county commissioners of the respective counties of North Carolina shall provide in the jail-house or in any camp or place where prisoners are committed for keeping or sentenced to a term of imprisonment in any county in the State of North Carolina, separate cells or rooms or a place in which shall be confined any prisoner or prisoners who may be committed for keeping or sentenced to said prison or place of confinement for a term of imprisonment, who has been examined by the county physician or county health officer and pronounced to be affected with tuberculosis.

C. S. 7208. **Sheriff to have prisoners suspected to be tuberculous examined and separated.** When a prisoner is placed in the custody of a sheriff for the purpose of being committed to jail or to any place where prisoners are kept, and the sheriff has reason to believe or suspect that the prisoner is suffering with tuberculosis, it shall be the duty of the sheriff to have such prisoner examined by the county physician or county health officer, and if upon examination the prisoner is pronounced tubercular, then he shall be separated from other prisoners and confined in a separate cell or other place of confinement.

C. S. 7211. **Prison authorities to have prisoners suspected to be tuberculous examined.** When a prisoner is committed to any prison or place of confinement designated in this article, and the sheriff of the county, the warden of the State's Prison or other authorities of the prison know or suspect the prisoner to be suffering with tuberculosis, it shall be the duty of such authorities to cause the prisoners to be examined by the county physician, the county health officer, or the physician in charge within five days after the prisoner has been committed or sentenced to the prison.

C. S. 7212. **Prisoners may be worked together.** Nothing contained in any of the preceding sections of this article shall be so construed as to interfere with or prevent the county or State authorities from working together all prisoners on public works as now provided for by law.

C. S. 7216. **Health authorities to examine all prisoners.** It shall be the duty of every county physician or city physician, or county health officer or

city health officer, or other physician having in charge the medical care of prisoners in any city or county in this State, or on any public or private works where prisoners or convicts are employed, to make a thorough physical examination of every prisoner committed to the county or city jail or to the county or city chain gang or road force, or any public or private works within forty-eight hours after the admission of such prisoner; and when he finds a prisoner suffering with tuberculosis, he shall make a written report of same to the State Board of Health, stating in detail the conditions found and the stage of the disease, within twenty-four hours after making such diagnosis, and he shall also report same to the superintendent of the chain gang or the jailer or the superintendent of the public or private works, and to the sheriff of the county, in writing, within twenty-four hours after having made such diagnosis of tuberculosis.

C. S. 7217. **Officials in charge of prisoners to report on health.** Every superintendent of convicts, or superintendent of public or private works where convicts are employed, and the superintendent of the central prison and State farm, and every jailer, shall make such reports as to the existence of cases of tuberculosis or suspected cases of tuberculosis, or other disease or diseases, and loss of time on account of sickness, and the disease or diseases causing such loss of time and such other things that may have a bearing on the health of the prisoners and the sanitation of the camp, prison, or jail, to the State Board of Health at such stated periods and on such stated forms as may be requested by the State Board of Health. And every health officer or other physician having charge of prisoners in county convict camps, on county or city roads or streets or public or private works, or in jails or prisons, State, city, or county, shall likewise make such reports to the State Board of Health as to the physical condition and transfer of prisoners and as to the sanitary condition of camps, jails, or prisons, as may be requested by the State Board of Health.

C. S. 7218. **Reports to include transference and particulars as to tuberculous.** The superintendent of the central prison or State farm, convict camps, or of any public or private works where convicts are used, and the jailers of the county jails and the sheriff of the county, and the medical officer connected with any of the above mentioned places where convicts are kept or worked, shall make such reports to the State Board of Health as to transference of prisoners suffering with tuberculosis, giving name of prisoner, length of time said prisoner had been under his jurisdiction, the stage of the disease, point or place to which he was transferred, name and address and official title of the person to whom he was transferred, and such other information as may be requested by the State Board of Health.

SURGICAL OPERATIONS ON INMATES OF STATE INSTITUTIONS

C. S. 7221. **Operations for improvement of mental, moral, or physical condition.** The medical staff of any penal or charitable hospital or institution of the State of North Carolina is hereby permitted and instructed to have any surgical operation performed by competent and skillful surgeons upon any inmate of any such penal or charitable hospital or institution when, in the judgment of the board hereinafter created in the next succeeding section, such operation would be for the improvement of the mental, moral, or physical condition of such inmate of any such institution: *Provided*, such operation shall not be performed until same shall have been affirmed by the Governor and the secretary of the State Board of Health.

C. S. 7222. **Board of consultation for carrying out provisions of this article.** At least one representative of the medical staff of the several charitable and penal institutions of the State, and one from the State Board of Health, such representatives to be designated by the governing bodies of the several institutions, shall constitute a board of consultation for the carrying out of the provisions of this article. Such board shall cause a permanent record to be kept by one of its members, designated as secretary, of all its actions and judgments, taken at a meeting held only after due notice has been issued to all its members.

Ruling of Attorney-General on Discipline of Jail Prisoners

August 22, 1922.

MRS. CLARENCE A. JOHNSON,
State Commissioner of Public Welfare,
Raleigh, N. C.

DEAR MADAM: You asked this office to state fully whether or not the keeper of a county jail has any authority to discipline the prisoners confided to his care. The jailer in North Carolina is simply an employee of the sheriff of the county whose jail he keeps. He is not a public officer, but in all his acts in the scope of his authority represents the sheriff. Our Court has held with reference to the county convicts sentenced to hard labor upon the public roads that they are not subject to flogging by the officer having them in charge. Section 1361 of C. S. authorizes the board of commissioners of a particular county to enact all needful rules and regulations for the successful working of convicts upon the public roads. This, of course, does not confer any authority upon the county commissioners to make rules and regulations even for convicts whose punishment is confinement in the county prison, so, of course, much less can they make rules and regulations for the discipline of prisoners untried and imprisoned in the county jail temporarily until trial on account of their inability to give bond. The sheriff himself has no authority to discipline prisoners of either of the latter classes. It is very clear, then, that when the jailer goes beyond the necessary measures for preventing the escape of prisoners committed to his care, or the necessary precautions for his own safety, he offends against the law. In no sense and in no way has he authority to discipline the prisoners committed to him as an employee of the sheriff for safe-keeping.

Yours very truly,
(Signed) JAMES S. MANNING,
Attorney General.

[CHAPTER 127, PUBLIC LAWS 1923.]

SANATORIUM FOR TUBERCULAR PRISONERS

The General Assembly of North Carolina do enact:

SECTION 1. That the administration of this act is given exclusively to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, which board is expressly authorized and empowered to make such rules and regulations not inconsistent with this act as it may deem wise: First, as to the determination of whether a particular convict is suffering with tuberculosis, and, second, whether or not the disease is in such a stage as to require special treatment.

SEC. 2. There shall be established at, or as near to as feasible, the North Carolina Sanatorium for the Treatment of Tuberculosis, a sanatorium for the treatment of tubercular prisoners or convicts. The board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis shall have all

the authority and power over the said sanatorium as that conferred upon the State Board of Health over the said North Carolina Sanatorium in sections seven thousand one hundred and seventy-two et seq. of the Consolidated Statutes of one thousand nine hundred and nineteen.

SEC. 3. The county physician or county health officer of the various counties of the State who has examined any prisoner or convict upon the public roads and has pronounced him to be affected with tuberculosis, is hereby required to report such case to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, giving a history of the same and such other facts as the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis may determine in its rules and regulations.

SEC. 4. The physician in charge of the State's Prison or any particular convict camp of State prisoners shall make similar reports under similar rules and regulations to the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis of all State prisoners who upon examination by him have been determined to be infected with tuberculosis.

SEC. 5. The board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis upon receiving such reports shall examine into the condition of these prisoners or convicts and if it is determined that such condition justifies it, shall direct their transfer from either county authorities, if a county prisoner, or the State's Prison, if a State prisoner, to the sanatorium herein provided. The cost of such transfer, if it is a county prisoner, shall be paid by the county from which he is transferred; if a State prisoner, the cost shall be paid by the State's Prison.

SEC. 6. In addition to the authority to make rules and regulations hereinbefore placed upon the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis, it is further authorized to make such rules and regulations as in its judgment may seem wise in relation to the care and safe-keeping of the prisoners and convicts so transferred to the State Sanatorium for Tubercular Prisoners.

SEC. 7. That there is hereby appropriated from funds not otherwise appropriated in the hands of the State Treasurer the sum of fifty thousand dollars ($50,000), for the purchase of land and erection of adequate buildings for such sanatorium for prisoners and convicts; and there is further appropriated for the year one thousand nine hundred and twenty-three and the year one thousand nine hundred and twenty-four the sum of thirty-seven thousand five hundred dollars ($37,500) for the support of such sanatorium during these years. The Auditor of the State shall issue his warrant for such parts of such sums as may be from time to time certified to him by the board of directors of the North Carolina Sanatorium for the Treatment of Tuberculosis and the Treasurer shall pay said warrants from the appropriations herein made.

SEC. 8. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 9. That this act shall take effect from and after its ratification.

Ratified March 2d, A. D. 1923.

THE CARE OF THE POOR

C. S. 1335. **Support of poor; superintendent of county home; paupers removing to county.** The board of commissioners of each county is authorized to provide by taxation for the maintenance of the poor, and to do everything expedient for their comfort and well ordering. They may employ biennially some competent person as superintendent of the county home for

the aged and infirm, and may remove him for cause. They may institute proceedings against any person coming into the county who is likely to become chargeable thereto, and cause his removal to the county where he was last legally settled; and they may recover from such county by action all charges and expenses incurred for the maintenance or removal of such poor person.

C. S. 1336. **County home for aged and infirm.** All persons who become chargeable to any county shall be maintained at the county home for the aged and infirm, or at such place or places as the board of commissioners select or agree upon.

C. S. 1337. **Records for county, how to be kept.** The keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and per capita expense of home per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare; and give a full and accurate report to the county commissioners and to the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday in December of each year.

C. S. 1338. **Support of county home.** The board of commissioners may provide for the support of the persons admitted by them to the home for the aged and infirm by employing a superintendent at a certain sum, or by paying a specified sum for the support of such persons to any one who will take charge of the county home for the aged and infirm, as said board may deem for the best interest of the county and the cause of humanity.

C. S. 1339. **Property of indigent to be sold or rented.** When any indigent person who becomes chargeable to a county for maintenance and support in accordance with the provisions of this article, owns any estate, it is the duty of the board of commissioners of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided under article three of the chapter entitled Insane Persons and Incompetents, or they may take possession thereof and rent the same out and apply the rent toward the support of such indigent person.

C. S. 1340. **Families of indigent militiamen to be supported.** When any citizen of the State is absent on service as a militiaman or member of the State guard, and his family are unable to support themselves during his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

C. S. 1341. **Paupers not to be hired out at auction.** No pauper shall be let out at public auction, but the board of commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county home for the aged and infirm, as may be deemed best.

C. S. 1342. **Legal settlements; how acquired.** Legal settlements may be acquired in any county, so as to entitle the party to be supported by such county, in the manner following, and not otherwise:

1. *By one year's residence.* Every person who has resided continuously in any county for one year shall be deemed legally settled in that county.

2. *Married women to have settlement of their husbands.* A married woman shall always follow and have the settlement of her husband, if he have any in the State; otherwise, her own at the time of her marriage, if she then had any, shall not be lost or suspended by the marriage, but shall be that of her husband, till another is acquired by him, which shall then be the settlement of both.

3. *Legitimate children to have settlement of father.* Legitimate children shall follow and have the settlement of their father, if he has any in the State, until they gain a settlement of their own; but if he has none, they shall, in like manner, follow and have the settlement of their mother, if she has any.

4. *Illegitimate children to have settlement of mother.* Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the State. But neither legitimate nor illegitimate children shall gain a settlement by birth in the county in which they may be born, if neither of their parents had any settlement therein.

5. *Settlement to continue until new one acquired.* Every legal settlement shall continue till it is lost or defeated by acquiring a new one, within or without the State; and upon acquiring such new settlement, all former settlements shall be defeated and lost.

C. S. 1343. **Removal of indigent to county of settlement; maintenance; penalties.** Upon complaint made by the chairman of the board of county commissioners, before a justice of the peace, that any person has come into the county who is likely to become chargeable thereto, the justice, by his warrant, shall cause such poor person to be removed to the county where he was last legally settled; but if such poor person is sick or disabled, and cannot be removed without danger of life, the board of commissioners shall provide for his maintenance and cure at the charge of the county; and after his recovery shall cause him to be removed, and pay the charges of his removal. The county wherein he was last legally settled shall repay all charges occasioned by his sickness, maintenance, cure and removal, and all charges whatever, if such person die before removal. If the board of commissioners of the county to which such poor person belongs refuses to receive and provide for him when removed as aforesaid, every commissioner so refusing shall forfeit and pay forty dollars, for the use of the county whence the removal was made; moreover, if the board of commissioners of the county where such person was legally settled refuses to pay the charges and expenses aforesaid, they shall be liable for the same. If any housekeeper entertains such poor person without giving notice thereof to the board of commissioners of his county, or one of them, within one month, the person so offending shall forfeit and pay ten dollars.

DISTRICT HOSPITAL-HOMES

[LAWS 1923.]

AN ACT TO ENABLE ANY TWO OR MORE COUNTIES TO ESTABLISH A DISTRICT HOSPITAL-HOME IN LIEU OF SEPARATE COUNTY HOMES.

The General Assembly of North Carolina do enact:

SECTION 1. Any two or more adjacent counties may by action of the county commissioners in said counties, as hereafter provided, establish a District Hospital-Home for the Aged and Infirm, to be located at some suitable place within the counties composing the district, location and purchase to be controlled by a board of trustees appointed by the county commissioners of the respective counties owning and controlling said hospital-home, each county having the same relative vote in all meetings of the board of trustees as such county has in the lower house of the General Assembly.

SEC. 2. That the county commissioners of the aforesaid counties are hereby authorized and empowered to sell and convey by deed all properties held by the aforesaid counties for the care and maintenance of their county's poor, and from the proceeds of such sale appropriate so much as may be required to meet said county's proportionate part of the funds necessary to perfect the completion of said community home for the aged and infirm as provided herein.

SEC. 3. That should it be deemed wisest not to sell said properties, or should any county not have said properties in its possession, or should any counties have said properties which would not be for sale, the necessary funds shall then be raised by direct taxation within the county or counties preferring this method of raising their pro rata part.

SEC. 4. That the several boards of county commissioners shall as soon as they shall have agreed among themselves to establish a District Hospital-Home for the Aged and Infirm for their counties, appoint the members of the board of trustees, which board shall be known as the Board of Trustees of the District Hospital-Home for the District Comprising ....., ..., ... Counties; the members of said board of trustees shall be appointed every two years by the boards of county commissioners, the term of office for said trustees shall be two years, and until their successors are chosen and qualified; that all vacancies shall be filled by the several boards of county commissioners and said commissioners shall provide for the expense and compensation of said board of trustees.

SEC. 5. That this board of trustees shall, as soon as possible after appointment, assemble and organize by the election of a chairman, a secretary and a treasurer, which last officer shall be bonded. They shall proceed promptly with the purchase of a site for such hospital-home, including, if they deem it desirable, a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities; provide for the necessary stock, tools and farm equipment, and shall then cause to be erected suitable plain, substantial, comfortable and permanent buildings for the accommodation of those for whom this act is intended, giving due regard to the separation of the sexes and races, and such other plans for segregation as their judgment and existing conditions may suggest. Said buildings are to be furnished with plain, substantial furniture, and such other equipment as conditions demand.

SEC. 6. That the several counties constructing, equipping, and operating a district hospital-home shall pay for the site and for the construction and equipment of the plant in proportion to the taxable property of the several

counties and shall own in the same proportion, but the operating expenses shall be borne by the several counties in proportion to the population of the county.

SEC. 7. That the State Board of Charities and Public Welfare shall have prepared plans for such district hospital-home and shall furnish such plans on request to any board of trustees of any district hospital-home at cost; and that all such hospital-homes shall be built in accordance with plans furnished or approved by the State Board of Charities and Public Welfare.

SEC. 8. That as soon as the district hospital-home is ready for occupancy the several county homes or poor houses, heretofore owned by the several counties, shall be closed and occupants shall be transferred and located in the district hospital-home for the aged and infirm herein provided for.

SEC. 9. That the board of trustees of the said district hospital-home shall elect a capable superintendent and such other employes as it may deem necessary to the efficient management of said district hospital-home and shall fix their salaries with due regard to number and condition of inmates occupying said district hospital-home.

SEC. 10. That the board of trustees shall meet at least twice a year for the transaction of such business as their positions may require. They shall have the general conduct and management of the district hospital-home's affairs. They shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board.

SEC. 11. That the matter to be considered at any special meeting shall be set out in the call for the special meeting, but any business may be transacted at special meetings which received a two-thirds vote of the entire board of trustees, although not mentioned in the call.

SEC. 12. That the board is vested with all powers not already mentioned which are possessed by boards supervising State institutions.

SEC. 13. That any two or more counties constructing, operating and maintaining a district hospital-home for the aged and infirm shall, as required by law now in force for the care and maintenance of those not able to care for themselves, send such person or persons to the district hospital-home for the aged and infirm in lieu of the county home and shall pay the expense of maintenance in proportion to the population of the county.

SEC. 14. That as soon after the first day of January of each year as may be practicable the board of trustees shall cause a report to be made of the hospital-home, which report shall show the number of inmates, the county admitting them, date of admission, age, condition of health, sex, color, educational acquirements, diagnosis of disease if diseased, total number of inmates received during the year, average number cared for per month, names and disposition of those dismissed, pro rata cost of maintenance, the total amount of money expended, the total amount of money received from each county, and such information as the State Board of Charities and Public Welfare and the board of trustees of the district hospital-home may demand. It shall also show an inventory and appraisement of property, real and personal, and give a strict account of receipts from farm and expenditure thereon, and such other information as may be required to check up the institution from all viewpoints.

SEC. 15. That a copy of the said report of the said board of trustees shall be furnished the county commissioners of the respective counties interested in and providing said district hospital-home.

SEC. 16. That all acts or parts of acts not consistent with this act are hereby repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1923.

[CHAPTER 189, PUBLIC LAWS OF 1921.]

CONFEDERATE PENSIONS

The General Assembly of North Carolina do enact:

SECTION 1. *State Board of Pensions.* The Governor, Attorney General, and Auditor shall be constituted a State Board of Pensions, which shall examine each application for a pension, and for this purpose it may take other testimony than that sent up by the county boards. Such applications as are approved by the State board shall be paid by the Treasurer, upon the warrant of the Auditor.

SEC. 2. *State board to prescribe rules.* The State Board of Pensions is hereby empowered to prescribe rules and regulations for the more certainly carrying into effect this article according to its true intent and purpose.

SEC. 3. *The Auditor to transmit lists.* The Auditor shall, as soon as the same is ascertained, transmit to the clerks of the Superior Court of the several counties a correct list of the pensioners, with their postoffices, as allowed by the State Board of Pensions. The Auditor may have printed, once in each year, but not oftener, a list of the pensioners on the pension roll.

SEC. 4. *County board of pensions.* The clerk of the Superior Court, together with three reputable ex-Confederate soldiers, or sons of ex-Confederate soldiers, to be appointed by the State Auditor, shall constitute a county board of pensions for their county.

SEC. 5. *Applicants to appear in person.* All persons entitled to pensions under this article, not now drawing pensions, shall appear before the county board of pensions on or before the first Monday in July of each year, for examination and classification in compliance with the provisions of this article: *Provided*, that all such as are unable to attend shall present a certificate from a creditable physician, living and practicing medicine in the community in which the applicant resides, that the applicant is unable to attend.

SEC. 6. *Revision of lists.* On the first Monday of July of each year the pension board of each county shall revise and purge the pension roll of the county, first giving written notice of ten days to the pensioner who is alleged not to be rightfully on the State pension roll, to show cause why his name should not be stricken from the pension list, and the board shall meet another day to consider the subject of purging the list.

SEC. 7. *Pensions for total blindness, loss of both hands, or loss of arm and leg.* All ex-Confederate soldiers and sailors who have become totally blind since the war, or who have lost their sight, or both hands and feet, or one arm and one leg, in the Confederate service, shall receive from the public treasury one hundred and eighty dollars ($180) a year.

SEC. 8. *Lists to be certified to Governor. Warrants for payment. Clerks to make payments monthly.* The clerk of the Superior Court shall, under his seal of office, certify to the Governor the name and the number of the soldiers examined in his county who are blind and maimed, or who have become paralyzed and are totally disabled by reason thereof; upon such certificate the Auditor, with the approval of the Governor, is authorized to issue his warrant to the Treasurer to pay the sum of one hundred and eighty dollars ($180) annually for each blind and maimed person, and each person paralyzed and disabled by reason thereof, named in the certificate, and the clerk shall pay out such money monthly to the persons entitled to the same.

SEC. 9. *Persons entitled to pensions.* There shall be paid out of the Treasury of the State, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his application for pension a *bona fide* resident of the State, and who is incapacitated for manual labor,

and was a soldier or a sailor in the service of the Confederate States of America, during the War between the States, and to the widow of any deceased officer, soldier, or sailor who was in the service of the Confederate States of America during the War between the States, if such widow was married to such soldier or sailor before the first day of January, one thousand eight hundred and seventy-five, and if she has married again, is a widow at the date of her application, the following sums annually, according to the degree of disability ascertained by the following grades:

1. To such as have received a wound which renders them totally incompetent to perform manual labor in the ordinary vocations of life, and to all blind Confederate widows who are on the pension roll, one hundred dollars ($100).

2. To such as have lost a leg above the knee or an arm above the elbow, ninety dollars ($90).

3. To such as have lost a foot or a leg below the knee, or a hand or an arm below the elbow, or have a leg or an arm utterly useless by reason of a wound or permanent injury, seventy dollars ($70).

4. To such as have lost an eye, and to the widows and all other soldiers who are now disabled from any cause to perform manual labor, sixty dollars ($60).

Sec. 10. *Persons excluded.* No person shall be entitled to receive the benefits of this article—

1. Who is an inmate of the Soldiers' Home at Raleigh.

2. Who is confined in an asylum or county home.

3. Who receives a pension from any other State or from the United States.

4. Who holds a National, State, or county office, which pays annually in salary or fees the sum of three hundred dollars ($300).

5. Who was a deserter, or the widow of such deserter; but no soldier who has been honorably discharged, or who was in service at the surrender shall be considered a deserter in the meaning of this section.

6. Who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed.

7. Who owns in his own right, or in the right of his wife, property whose tax valuation exceeds two thousand dollars, or who, having owned property in excess of two thousand dollars ($2,000), has disposed of the same by gift or voluntary conveyance to his wife, child, next of kin, or to any other person since the eleventh day of March, one thousand eight hundred and eighty-five: *Provided*, that the county board of pensions may place upon the pension roll, in the classes to which they would otherwise belong, any Confederate soldier, sailor, or widow disqualified by the provisions of this section, who may appear to be unable to earn a living from property valued as much as two thousand dollars ($2,000) or more for taxation, and who may appear to the board from special circumstances worthy to be placed upon the pension roll.

Sec. 11. *Form of application.* The Auditor of the State shall provide a form of application (according to the terms of this article), and have the same printed and sent to the clerk of the Superior Court of the several counties of the State for use of applicants.

Sec. 12. *Applications made in person.* No soldier, officer, sailor, or widow shall be entitled to the benefits of this chapter except upon his or her own application, or, in case he or she is insane, upon the application of his or her guardian or receiver.

Sec. 13. *Applications from persons not now on rolls.* Before any officer, soldier, or sailor, not now receiving a pension, shall receive any part of the

annual appropriation made for pensions he shall, on or before the first Monday in July of every year, file with the Superior Court clerk of the county wherein he resides an application for relief, setting forth in detail the company and regiment or battalion in which he served at the time of receiving the wound; the time and place of receiving the wound; whether he is holding an office in the State, United States, or county, from which he is receiving the sum of three hundred dollars ($300) in fees or salary; whether he is worth in his own right or in the right of his wife, property at its assessed value for taxation to the amount of two thousand dollars ($2,000); whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State; and whether he is a citizen of the State of North Carolina. Such application shall be verified by the oath of the applicant made before any one empowered to administer oaths, and shall be accompanied by the affidavit of one or more creditable witnesses, stating that he or they verily believe the applicant to be the identical person named in the application, and that the facts stated in the application are true; and when the county board of pensions is satisfied with the justice of the claim made by the applicant they shall so certify the same to the Auditor of the State under their hands and the seal of the Superior Court of their county, which shall be impressed by the clerk of the Superior Court of the county; and there shall accompany the certificate so sent to the Auditor the application, affidavit, and proofs taken by them, which papers shall be kept on file in the Auditor's office. Clerks of the Superior Court shall receive no fees whatsoever for services herein required of them.

SEC. 14. *Time for forwarding certificate.* It shall be the duty of the clerk of the Superior Court of the county where the application is filed to forward to the Auditor of the State, immediately after the certificate required by the next preceding section is made and before the first Monday in August in each year, the application and proofs and certificates, and upon the State Board of Pensions being satisfied of the truth and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

SEC. 15. *Subsequent certificates.* After an application has once been passed upon and allowed by the county and State boards, it shall be necessary only for the applicant to file with the Auditor of State a certificate from the clerk of the Superior Court of the county in which the application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive, but still disabled, and a citizen of this State, and still entitled to the benefits of this article, which certificate may be passed upon by the State board, upon suggestions of fraud, before the Auditor draws his warrant upon such certificate.

SEC. 16. *Pensions payable in advance. Dates of payment.* Pensions are payable in advance, and the State Auditor shall transmit to the clerks of the Superior Courts of the various counties warrants for pensioners for one-half of the yearly pensions between the first and fifteenth of December, and for one-half of the yearly pensions between the first and fifteenth of June of each year. It shall be the duty of the clerk of the Superior Court to acknowledge to the Auditor the receipt of such warrants by the next mail after their receipt, to deliver or mail forthwith to each pensioner in his county his warrant, and to post in the courthouse a list of the pensioners to whom he has mailed or delivered warrants.

SEC. 17. *Warrants payable to pensioner or order. Indorsement.* The Auditor shall issue his warrant payable to the pensioner, or order, and such warrant shall not be paid by the Treasurer without the indorsement of the

payee or his duly appointed attorney in fact, especially authorized to make such indorsement; and if such indorsement is made by the payee, it shall be attested by the official signature of the clerk of the Superior Court or some justice of the peace or notary public of the county in which such payee resides, and if such indorsement is made by the attorney in fact of the payee, a copy of the power of attorney, duly attested by the clerk of the Superior Court or a justice of the peace or notary public of the county in which the payee resides, shall be attached to the warrant.

SEC. 18. *Payment to widow.* Whenever a Confederate pensioner who is now on the pension list shall die after the fifteenth of September, or after the fifteenth of April, and before the December or June pension check is delivered to him or her, it shall be lawful for the clerk of the Superior Court of the county in which such pensioner lived to deliver and pay the next pension check due in December or June, as the case may be, to the widow or next of kin of such pensioner, and the indorsement of the widow or next of kin shall be a valid indorsement on such pension clerk.

SEC. 19. *Pensions continued to widows.* All pensions due to Confederate soldiers shall be paid to their widows for a period of one year after the death of any such pensioner: *Provided*, that the amount paid shall not exceed a widow's pension as prescribed by law.

SEC. 20. *State Auditor to apportion appropriations.* The State Auditor is authorized, empowered, and directed to apportion, distribute, and divide the money appropriated by the State for pensions, and to issue warrants to the several pensioners pro rata in their respective grades, so that the entire annual appropriation shall be paid each year to the pensioners, notwithstanding the amounts so paid may be in excess of the amounts fixed by this article for the several grades: *Provided*, that the total appropriation for this purpose shall not exceed the amount appropriated by law: *Provided further*, that hereafter all moneys provided or appropriated in any one year for the ex-Confederate soldiers, sailors, or widows, not paid out to them in any one year, shall revert to the pension fund of the State, and shall be paid out to them in the next year in the class to which they belong.

SEC. 21. *Increase by counties authorized.* The county commissioners of each county in the State are authorized and empowered, if in their discretion such levy is deemed advisable, to levy for each year, at the same time and in the same manner as the levy of other county taxes, a special tax not exceeding two cents on the hundred dollars valuation of property and six cents on each taxable pool, the constitutional equation between the property and poll being observed each year, for the purpose of increasing the pensions of Confederate soldiers and widows.

Such taxes shall be collected and accounted for by the sheriff or other tax collector in the same manner and under the same penalties as other taxes levied for the county, and the net proceeds thereof shall be applied each year to increase pro rata the pensions of such persons as stand upon the Confederate pension roll of the county for the year in which the tax is levied.

The amount collected under this section shall be disbursed by the county commissioners pro rata to the various pensioners in such county as shown by the State pension list for that county.

SEC. 22. *Failure to discharge duties misdemeanor.* Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this article shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court shall be fined or imprisoned at the discretion of the court.

SEC. 23. *Speculation in pension warrants misdemeanor.* Any person who shall speculate or purchase for a less sum than that to which each may be

entitled the claims of any soldier or sailor or widow of a deceased soldier or sailor, allowed under the provisions of this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 24. *Payment of burial expenses.* Whenever in any county of this State a Confederate pensioner on the pension roll of the county or the widow of a Confederate soldier shall die, it shall be the duty of the board of commissioners of such county, upon the certificate of such fact by the clerk of the Superior Court and recommendation of the chairman of the pension board of the county, to order the payment out of the general fund of the county of a sum not exceeding thirty dollars ($30), to be applied toward defraying of the burial expenses of such deceased pensioner or widow.

SEC. 25. *Peddlers' licenses.* All ex-Confederate soldiers who are without means of support other than their manual labor, and who are incapacitated to perform manual labor for any reason other than by their vicious habits, and now citizens of this State, shall be allowed to peddle drugs, goods, wares, and merchandise in any of the counties of this State without a license therefor. Before any soldier shall be entitled to the benefits of this chapter he shall make application to the county board of pensions of the county of which he is a resident, and show to the satisfaction of the county board of pensions that he is entitled to the same by having served in the Confederate army or navy during the War between the States, and that he is incapacitated to perform manual labor, and does not own property the tax valuation of which exceeds the sum of two thousand dollars ($2,000) in his own name or in the name of his wife, deeded to her by him since the first day of March, one thousand nine hundred and two.

SEC. 26. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1921.

CONFEDERATE WOMAN'S HOME

To the Confederate Woman's Home are admitted "deserving wives and widows of North Carolina Confederate soldiers and other worthy dependent women of the Confederacy who are *bona fide* residents of this State," under such regulations as the board of directors may adopt. (See C. S., 5134-5140.)

SOLDIERS' HOME

To the Soldiers' Home are admitted "such deserving, needy Confederate soldiers as shall have served in any North Carolina command in the late war, or who shall have served in the Confederate army and shall be a *bona fide* citizen of the State," under regulations adopted by the board of directors. (See C. S., 5127-5133.)

LAWS RELATING TO MORALS AND VENEREAL DISEASE

SEX OFFENSES

C. S. 4337. **Incest between certain near relatives.** In all cases of carnal intercourse between grandparent and grandchild, parent and child, and brother and sister of the half or whole blood, the parties shall be guilty of a felony, and shall be punished for every such offense by imprisonment in the State's Prison for a term not exceeding fifteen years, in the discretion of the court.

C. S. 4339. **Seduction.** If any man shall seduce an innocent and virtuous woman under promise of marriage, he shall be guilty of a felony, and upon conviction shall be fined or imprisoned at the discretion of the court,

and may be imprisoned in the State's Prison not exceeding the term of five years: *Provided*, the unsupported testimony of the woman shall not be sufficient to convict: *Provided further*, that marriage between the parties shall be a bar to further prosecution hereunder. But when such marriage is relied upon by the defendant, it shall operate as to the costs of the case as a plea of *nolo contendere*, and the defendant shall be required to pay all the costs of the action or be liable to imprisonment for nonpayment of the same.

C. S. 4340. **Miscegenation.** All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are forever prohibited, and shall be void. Any person violating this section shall be guilty of an infamous crime, and shall be punished by imprisonment in the county jail or State's Prison for not less than four months nor more than ten years, and may also be fined, in the discretion of the court.

C. S. 4341. **Issuing license for marriage between white person and negro; performing marriage ceremony.** If any register of deeds shall knowingly issue any license for marriage between any person of color and a white person; or if any clergyman, minister of the gospel or justice of the peace shall knowingly marry any such person of color to a white person, the person so offending shall be guilty of a misdemeanor.

C. S. 4342. **Bigamy.** If any person, being married, shall marry any other person during the life of the former husband or wife, every such offender, and every person counseling, aiding or abetting such offender, shall be guilty of a felony, and shall be imprisoned in the State's Prison or county jail for any term not less than four months nor more than ten years. Any such offense may be dealt with, tried, determined and punished in the county where the offender shall be apprehended, or be in custody, as if the offense had been actually committed in that county. If any person, being married, shall contract a marriage with any other person outside of this State, which marriage would be punishable as bigamous if contracted within this State, and shall thereafter cohabit with such person in this State, he shall be guilty of a felony and shall be punished as in cases of bigamy. Nothing contained in this section shall extend to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to have been living within that time; nor to any person who at the time of such second marriage shall have been lawfully divorced from the bond of the first marriage; nor to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

C. S. 4343. **Fornication and adultery.** If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a misdemeanor: *Provided*, that the admissions or confessions of one shall not be received in evidence against the other.

C. S. 4344. **Inducing female persons to enter hotels or boarding-houses for immoral purposes.** Any person who shall knowingly persuade, induce or entice, or cause to be persuaded, induced or enticed, any woman or girl to enter a hotel, public inn or boarding-house for the purpose of prostitution or debauchery or for any other immoral purpose, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 4345. **Opposite sexes occupying same bedroom at hotel for immoral purposes; falsely registering as husband and wife.** Any man and woman found occupying the same bedroom in any hotel, public inn or boarding-house for any immoral purpose, or any man and woman falsely registering as, or otherwise representing themselves to be, husband and wife in any hotel, public inn or boarding-house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 4348. **Obscene literature, indecent exposure, and lewd dances.** If any person shall exhibit for the purpose of gain, lend for hire or otherwise publish or sell for the purpose of gain, or exhibit in any school, college or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representation; or if any person shall post any indecent placards, writings, pictures or drawings on walls, fences, billboards or other places; or if any person shall make any public exposure of the person or other indecent exhibition, or take part in any immoral show, exhibit or performance, where indecent, immoral or lewd dances or plays are conducted, in any booth, tent, room or other place to which the public is invited; or if any one shall permit such exhibitions or immoral performances to be conducted in any tent, booth, or other place owned or controlled by him, he shall be guilty of a misdemeanor.

C. S. 4353. **Lewd women within three miles of colleges and boarding-schools.** If any loose woman or woman of ill-fame shall commit any act of lewdness with or in the presence of any student, who is under twenty-one years old, of any boarding-school or college, within three miles of such school or college, she shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Upon the trial of any such case students may be competent but not compellable to give evidence. No prosecution shall be had under this section after the lapse of six months.

PROSTITUTION

C. S. 4357. **Definition of terms.** The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.

C. S. 4358. **Prostitution and various acts abetting prostitution unlawful.** It shall be unlawful:

1. To keep, set up, maintain, or operate any place, structure, building or conveyance for the purpose of prostitution or assignation.

2. To occupy any place, structure, building, or conveyance for the purpose of prostitution or assignation; or for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose.

3. To receive, or to offer or agree to receive any person into any place, structure, building, or conveyance for the purpose of prostitution or assignation, or to permit any person to remain there for such purpose.

4. To direct, take, or transport, or to offer or agree to take or transport, any person to any place, structure, or building or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution or assignation.

5. To procure, or to solicit, or to offer to procure or solicit for the purpose of prostitution or assignation.

6. To reside in, enter, or remain in any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution or assignation.

7. To engage in prostitution or assignation, or to aid or abet prostitution or assignation by any means whatsoever.

C. S. 4359. **Prosecution; in what courts.** Prosecutions for the violation of any of the provisions of this article shall be tried in the courts of this State wherein misdemeanors are triable except those courts the jurisdiction of which is so limited by the Constitution of this State that such jurisdiction cannot by statute be extended to include criminal actions of the character herein described.

C. S. 4360. **Reputation and prior conviction admissible as evidence.** In the trial of any person charged with a violation of any of the provisions of this article, testimony of a prior conviction, or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant, shall be admissible in evidence in support of the charge.

C. S. 4361. **Degrees of guilt.** Any person who shall be found to have committed two or more violations of any of the provisions of section 4358 of this article within a period of one year next preceding the date named in an indictment, information, or charge of violating any of the provisions of such section, shall be deemed guilty in the first degree. Any person who shall be found to have committed a single violation of any of the provisions of such section shall be deemed guilty in the second degree.

C. S. 4362. **Punishment; probation; parole.** Any person who shall be deemed guilty in the first degree, as set forth in the preceding section, shall be subject to imprisonment in, or commitment to, any penal or reformatory institution in this State for not less than one nor more than three years. In case of a commitment to a reformatory institution the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or to place on parole any person so committed after the service of the minimum term, or any part thereof, and to require the return to the said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

Any person who shall be deemed guilty in the second degree, as set forth in the preceding section, shall be subject to imprisonment for not more than one year. The sentence imposed, or any part thereof, may be suspended; or the defendant may be placed on probation in the care of a probation officer designated by law or theretofore appointed by the court, upon the recommendation of five responsible citizens.

Probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall

insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

No girl or woman who shall be convicted under this article shall be placed on probation or on parole in the care or charge of any person except a woman probation officer.

[CHAPTER 129, LAWS 1921.]

AN ACT REGULATING ISSUANCES OF LICENSES TO MARRY AND PROVIDING FOR THE PHYSICAL EXAMINATION OF APPLICANTS.

SECTION 1. No license to marry shall be issued by the register of deeds of any county to a male applicant therefor except upon the presentation by the said male applicant of a certificate executed within seven days from the time of the presentation of said certificate to the register of deeds as hereinafter provided, showing the nonexistence of any venereal disease, the nonexistence of tuberculosis in the infectious stages, and that the applicant has not been adjudged by a court of competent jurisdiction an idiot, imbecile, or of unsound mind. No license shall be issued to any female applicant who shall not present a certificate showing the nonexistence of tuberculosis in the infectious stages, and that she has not been adjudged by a court of competent jurisdiction to be of unsound mind.

SEC. 2. Such certificate to be executed by any reputable physician licensed to practice medicine and surgery in the State, and who shall reside within the county in which said license to marry shall be applied for by certificate of the county health officer of such county, whose duty it shall be to examine such applicants and issue such certificates without charge.

SEC. 3. Any register of deeds who issues a license to marry without the presentation of the certificate hereinabove provided for, or contrary to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars, or imprisoned for thirty days in the discretion of the court.

SEC. 4. Provided further, that any physician who shall knowingly and willfully make any false statement in the certificate hereinabove provided for shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars, or imprisoned for not more than six months.

[CHAPTER 212, LAWS 1921.]

AN ACT MAKING THE EXHIBITION OF SACRILEGIOUS, OBSCENE, OR IMMORAL PICTURES, OR THE POSTING OF ADVERTISEMENTS FOR THE SAME, AND THEATRICAL EXHIBITIONS A CRIME.

That if any person, firm or corporation shall, for the purpose of gain or otherwise, exhibit any obscene or immoral motion pictures; or if any person, firm, or corporation shall post any obscene or immoral placard, writings, pictures, or drawings on walls, fences, billboards, or other places advertising theatrical exhibitions or moving-picture exhibitions or shows; or if any person, firm, or corporation shall permit such obscene or immoral exhibitions to be conducted in any tent, booth, or other place or building owned or controlled by said person, firm, or corporation, the person, firm, or corporation performing either one or all of the said acts shall be guilty of a misdemeanor, and punishable in the discretion of the court. That for the purpose of enforcing this statute any spectator at the exhibition of an obscene or immoral moving picture may make the necessary affidavit upon which the warrant for said offense is issued.

[CHAPTER 215, LAWS OF 1919, AS AMENDED BY CHAPTER 101, LAWS 1921.]

AN ACT FOR THE REPRESSION OF PROSTITUTION

SECTION 1. That from and after the passage of this act it shall be unlawful:

(*a*) To keep, set up, maintain, or operate any place, structure, building, or conveyance for the purpose of prostitution or assignation;

(*b*) To receive or to offer to agree to receive any person into any place of prostitution or assignation or for any person to permit any place, structure, building, or conveyance owned by him or under his control to be used for the purpose of prostitution or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;

(*c*) To receive or to offer to agree to receive any person into any place, structure, building or conveyance for the purpose of prostitution or assignation or to permit any person to remain there for such purpose;

(*d*) To direct, take or transport, or to offer or agree to take or transport any person to any place, structure, or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution or assignation;

(*e*) To procure or to solicit or to offer to procure or solicit for the purpose of prostitution or assignation;

(*f*) To reside in, enter or remain in any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution or assignation;

(*g*) To engage in prostitution or assignation, or to aid or abet prostitution or assignation by any means whatsoever.

SEC. 2. That the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. That the term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.

SEC. 3. That in the trial of any person charged with a violation of any of the provisions of section one of this act, testimony of a prior conviction, or testimony concerning the reputation of any place, structure or building, and of the person or persons who reside in or frequent the same and of the defendant shall be admissible in evidence in support of the charge.

SEC. 4. That any person who shall be found to have committed two or more violations of any of the provisions of section one of this act within a period of one year next preceding the date named in an indictment, information or charge of violating any of the provisions of section one of this act shall be deemed guilty in the first degree. That any person who shall be found to have committed a single violation of any of the provisions of this act shall be deemed guilty in the second degree.

SEC. 5. "(*a*) That any person who shall be deemed guilty in the first degree, as set forth in section four, shall be guilty of a misdemeanor, and may be fined or imprisoned in the discretion of the court, or may be committed to any penal or reformatory institution in this State: *Provided*, that in case of a commitment to a reformatory institution, the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or place on parole any person so committed after the service of the minimum term or any part thereof, and to require the return to the said institution for the balance of the maximum term of any person who violates the terms or conditions of the parole.

(*b*) That any person who shall be deemed guilty in the second degree, as set forth in section four, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court: *Provided*, that the defendant may be placed on probation in the care of a probation officer designated by law, or theretofore appointed by the court.

(*c*) That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

(*d*) That no girl or woman who shall be convicted under this act shall be placed on probation or on parole in the care or charge of any person except a woman probation officer."

SEC. 6. That prosecutions for the violation of any of the provisions of section one of this act shall be tried in the courts of this State wherein misdemeanors (offenses) are triable except as to such courts the jurisdiction of which is so limited by the Constitution of this State as that the said jurisdiction cannot by statute be extended to include criminal actions of the character herein described.

SEC. 7. That the declaration by the courts of any of the provisions of this act as being in violation of the Constitution of this State shall not invalidate the remaining provisions.

[CHAPTER 111, LAWS 1921.]

AN ACT TO PROTECT HOTELS AND LODGING-HOUSE KEEPERS AGAINST IMMORAL PRACTICES OF GUESTS

That no person shall write, or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging-house or hotel any other or different name or designation than the true name or names in ordinary use of the person registering or causing himself to be registered therein. That any person occupying any room or rooms in any lodging-house or hotel shall register or cause himself to be registered where registration is required by such lodging-house or hotel. That any person registering or causing himself to be registered at any lodging-house or hotel shall write, or cause to be written, in the register of such lodging-house or hotel the correct address of the person registering, or causing himself to be registered. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars ($200). That this act shall not apply to any peace officer of this State who shall privately give his true name to the clerk or proprietor of such hotel or lodging-house.

VENEREAL DISEASE

C. S. 7191. **Venereal infection.** That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for any one infected with these diseases or any of them to expose another person to infection.

C. S. 7192. **Reporting cases.** Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the North Carolina State Board of Health shall direct.

C. S. 7193. **Investigations and examinations.** State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to coöperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

C. S. 7194. **Prisoners treated.** All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 7193, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the North Carolina State Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 7193. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

C. S. 7195. **Board of Health may make rules.** The North Carolina State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 7193, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

C. S. 7196. **Expenses authorized.** The North Carolina State Board of Health, through its officers, are hereby empowered and authorized to incur such expenses in the examination, detention, quarantine and treatment of persons suspected of having, or having had venereal disease, as in their judgment is necessary.

C. S. 7197. **Payment of expenses.** The North Carolina State Board of Health shall submit to the county commissioners of the county in which persons suspected of having, or having had venereal diseases, are suspected

of having spread the disease, an itemized statement of expenses incurred in the examination, detention, quarantine, or treatment of such persons, and the county commissioners shall, within thirty days after the receipt of such statement of expenses, pay to the treasurer of the North Carolina State Board of Health a sum equal to that expended.

C. S. 7198. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the North Carolina State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five ($25) dollars, nor more than fifty ($50) dollars, or by imprisonment for not more than thirty days.

C. S. 7199. **Treatment except by physician unlawful.** That it shall be unlawful for any person except a regularly licensed physician to prescribe or give away any medicine for the treatment of any person afflicted with any venereal disease.

C. S. 7200. **Reports by druggists.** That any druggist or other person who sells at retail any patented, proprietary, or trade-mark remedy or alleged remedy advertised or recommended or sold for or used in the treatment of venereal diseases (gonorrhea, syphilis, or chancroid) or lost manhood, impotency, or sterility, or medicinal preparations containing the oils of cubebs, copaiba, sandalwood, or the oils themselves, iodides of mercury, or preparations compounded for urethral injections, shall report weekly, on forms and in accordance with instructions supplied by the North Carolina State Board of Health, the sale of such remedies, or alleged remedies, to the Bureau of Venereal Diseases of the North Carolina State Board of Health.

C. S. 7201. **Obtaining prescription under false pretenses a misdemeanor.** Any person who in obtaining a prescription from a physician under section 7199 of this act, or in obtaining drugs or remedies mentioned in section 7200 of this act, gives a false or assumed name or address, shall be guilty of a misdemeanor and subject to the penalties imposed in section 7206 of this act.

C. S. 7202. **Quarantine officers may appoint physicians as agents to issue prescriptions.** For the convenience of the public, a quarantine officer, either municipal or county, shall appoint, on the official request of the North Carolina State Board of Health, from the regularly registered physicians of the county, one or more agents to issue prescriptions for drugs or remedies necessary for treatment of such diseases.

C. S. 7203. **Fees of quarantine officer and agents.** A quarantine officer or agent of a quarantine officer who issues a prescription for any such drug, remedy, or alleged remedy, and who instructs a person infected with venereal disease as required by the State laws and reports by number but without identification as now prescribed for reports by physicians for such diseases to the North Carolina State Board of Health shall be entitled to a fee of fifty cents, twenty-five cents of which shall be paid by the Bureau of Venereal Diseases of the North Carolina State Board of Health and twenty-five cents of which shall be paid by the county commissioners of the county in which the quarantine officer has jurisdiction on a certification of the

Bureau of Venereal Diseases of the North Carolina State Board of Health of the number of prescriptions issued by the quarantine officer or the quarantine officer's agent: *Provided, however,* that the municipal authorities shall pay the above amount for prescriptions issued by a municipal quarantine officer or his agent; and *Provided further,* that a quarantine officer shall not be entitled to any pay from either county or city for issuing prescriptions to persons who pay the quarantine officer in part or in full for the issuance of prescriptions; and *Provided further,* that several prescriptions issued on a single visit of the infected person to the quarantine officer shall entitle the said officer to not more than the fee for a single prescription.

C. S. 7204. **Druggists to keep records of prescriptions.** Any and all prescriptions for venereal diseases (gonorrhea, syphilis, or chancroid) or impotency, sterility, or lost manhood, or prescriptions containing the drugs, remedies, or alleged remedies mentioned in section 7200 of this act, shall be kept by a druggist on a separate file and shall be subject at any reasonable hour to inspection by an officer of the North Carolina State Board of Health.

C. S. 7205. **Purchaser of remedies may be examined.** The State health officer or his deputy or agent may require any purchaser of remedies or alleged remedies designated in section 7200 of this act and who may be reasonably supposed to be infected with a venereal disease, to appear before a regularly licensed physician, quarantine officer or agent, for examination for the said disease.

C. S. 7206. **Violation a misdemeanor.** Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned for not exceeding thirty days.

Drugs and Narcotics Regulated

C. S. 6672. **Narcotics and other drugs regulated.** That it shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in greater quantity than is prescribed in the United States Pharmacopœia, except upon the original written order or prescription of a lawfully licensed practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription; and in no case shall any person, firm, or corporation fill any prescription or order for cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in flake or crystals, but only in a solution, or ointment, which shall not contain over four per cent of the above named substances, or any of them, and no such order or prescription shall be for a greater quantity than one ounce of any such solution or ointment sold and dispensed in one-ounce bottles. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and

every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber, and properly authorized officers of the law: *Provided, however*, that the above provisions shall not apply to prescriptions containing opium, or its derivatives, and recommended and sold in good faith for diarrhea, cholera, or coughs, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use; nor to the compound powder of ipecac and opium, commonly known as "Dover's Powders"; and *Provided further*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists or qualified physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations, for use in the manufacture of such preparations, nor to sales to hospitals, colleges, or scientific institutions.

C. S. 6673. **Limitations on sales of certain drugs.** That it shall be unlawful for any person, firm, or corporation to sell, furnish, or dispense to any regular practitioner of medicine, dentist, or veterinary medicine more than one dram of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, at one time; or more than one-half ounce of opium, morphine, heroin, codine, or any salt or compound of any of the said substances, or their salts or compounds, at one time.

C. S. 6674. **Limitations on possession of drugs by druggists.** That it shall be unlawful for any person, firm, or corporation doing a retail drug business, to have more than one ounce of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances or their salts or compounds, or more than one and one-half ounces of opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in his or its possession at any one time.

C. S. 6675. **Limitations on possession of drugs by practitioners.** That it shall be unlawful for any practitioner of medicine, dentist, or veterinarian, to have or keep in his possession at any time more than one dram of cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, or more than one-half ounce of opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, and each practitioner of medicine, dentist, and veterinarian shall keep a complete record of all purchases, the date and amount of each purchase, and the name of the person or party from whom each purchase was made, and a complete record of any disposition of said drugs, or any of them, and said record shall be open at all times to the inspection of the legally authorized officers of the law.

C. S. 6676. **Evidence of illegal sale.** That it shall be presumptive evidence of an illegal sale if the amount shown by the amount on hand, plus the amount legally dispensed with, does not tally with the amount shown to have been purchased by the retail druggist, practitioner of medicine, dentist, or veterinarian.

C. S. 6677. **Prescription of certain drugs regulated.** That it shall be unlawful for any practitioner of medicine, dentist, or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine,

or any salt or compound of any of the foregoing substances, or their salts or compounds; and it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment, in the regular practice of his profession, or for any practitioner of medicine to prescribe any of the foregoing substances for the use of any human being: *Provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs, who is under his professional care, such substances as he may deem necessary for his treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this act.

C. S. 6678. **Limitations on sale of drugs by wholesalers.** That it shall be unlawful for any jobber, wholesaler, or manufacturer to sell or furnish to any retail druggist cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, in greater quantity than one ounce, at one time, or to likewise sell or furnish opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in greater quantity than one and one-half ounces at one time; and it shall be unlawful for any jobber, wholesaler, or manufacturer to sell or furnish to any practitioner of medicine, dentistry, or veterinary medicine, cocaine, alpha or beta eucaine, novocaine, or any salt or compound of any of the foregoing substances, or their salts or compounds, in greater quantity than one dram, at one time, or to likewise sell or furnish opium, morphine, heroin, codine, or any salt or compound of any of them, or their salts or compounds, in greater quantity than one-half ounce at one time; and that every package sold or furnished by any jobber, wholesaler, or manufacturer shall bear a serial number, stamped upon the outside wrapper or cover; and that all jobbers, wholesalers, and manufacturers shall keep a complete record of every sale made by them, showing the name of the buyer, his place of business, the date of the sale, the kind of drug sold, and if a salt or compound, the percentage of any substance therein enumerated, the amount sold, the serial number of each package, and the name of the clerk or employer by whom each order was filled, and these records shall be open at all times to the inspection of the legally authorized officers of the law.

C. S. 6679. **Possession of certain drugs forbidden.** That it shall be unlawful for any person, firm, or corporation, other than those enumerated in this act, and also those into whose hands possession may come, in enforcing or attempting to enforce the provisions of this act, to have in his or their possession any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of the foregoing substances, or their salts or compounds.

C. S. 6680. **Securing evidence.** That upon affidavit being made that there is reason to believe that the provisions of this act are being violated at any place, or by any person, those officers or persons authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, may and are hereby authorized to issue to any lawful officer of the city or county where such place or person may be a subpœna *capias ad testificandum*, or summons in writing, commanding any person who may have information concerning such violation of the law to appear and give evidence upon oath concerning the same.

C. S. 6681. **Testimony enforced.** That no person shall be excused from testifying in any prosecution for violating this act; or at any investiga-

tion concerning the violating of any law prohibiting the sale, dispensing, or possession of any of the substances, mixtures, or compounds enumerated in this act, or any other law of the State concerning the same; but no discovery made by such person shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned for the offense done or participated in by him.

C. S. 6682. **Seizure of drugs.** If any credible witness shall make oath before any person authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, that there is a reasonable cause to suspect that any provision of this act is being violated, or any other act prohibiting the sale, dispensing, or possession of the substances, mixtures, or compounds enumerated herein, it shall be lawful and the duty of such officer or person to grant a warrant, to be executed within the limits of Guilford County, to any lawful officer of said county, authorizing him to search the place where, or the person by whom, it is alleged (in such affidavit) this act has been or is being violated, and to seize and preserve any evidence of the violation of this act, to be used in the trial of any person arrested by reason of the examination, search, or seizure herein provided; all cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, seized under this act, shall be held, and upon acquittal of the person so charged, shall be returned to him, and upon conviction shall be destroyed.

VAGRANTS AND TRAMPS

C. S. 4459. **Persons classed as vagrants.** If any person shall come within any of the following classes, he shall be deemed a vagrant, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided, however,* that this limitation of punishment shall not be binding except in cases of a first offense, and in all other cases such person may be fined or imprisoned, or both, in the discretion of the court:

1. Persons wandering or strolling about in idleness who are able to work and have no property to support them.

2. Persons leading an idle, immoral or profligate life, who have no property to support them, and who are able to work and do not work.

3. All persons able to work having no property to support them and who have not some visible and known means of a fair, honest and reputable livelihood.

4. Persons having a fixed abode who have no visible property to support them and who live by stealing or by trading in, bartering for or buying stolen property.

5. Professional gamblers living in idleness.

6. All able-bodied men having no other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife or minor children, except of male children over eighteen years old.

7. Keepers and inmates of bawdy-houses, assignation houses, lewd and disorderly houses, and other places where illegal sexual intercourse is habitually carried on: *Provided,* that nothing here is intended or shall be construed as abolishing the crime of keeping a bawdy-house, or lessening the punishment by law for such crime.

C. S. 4460. **Police officers to furnish list of disorderly houses; inmates competent and compellable to testify.** It shall be the duty of the chief of police, marshal, constable or other chief ministerial officer of each city and town in this State to furnish every thirty days to the police justice, recorder, mayor, or other trial officer of such city or town a list of the bawdy, assignation, lewd and disorderly houses and other places where illegal sexual intercourse is carried on, together with the names of the keepers and inmates of such houses and places, in such city or town; and it shall be the duty of such police justice, recorder, mayor or other trial officer, upon the filing of such list, to issue his warrant for the persons declared in subsection seven of the preceding section to be vagrants, and to punish in accordance with the provisions of that section such of them as may be found guilty. In all trials under said subsection seven of the preceding section any keeper or inmate of any of the houses or places named, or his employees, shall be competent and compellable to give evidence of the character and nature of such house or place and of the character and acts of the keepers and inmates thereof; but the person so testifying shall not be prosecuted or punished for the commission of any crime about which he shall have been required to testify.

If any chief of police, marshal, constable or other chief ministerial officer of any city or town shall fail to furnish the list of houses and places provided for in this section, or shall suppress the name of any person whom he is required herein to report, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

C. S. 4461. **Tramp defined and punishment provided; certain persons excepted.** If any person shall go about from place to place begging or subsisting on charity, he shall be denominated a tramp, and shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days: *Provided*, that any person who shall furnish satisfactory evidence of good character shall be discharged without cost. Any act of begging or vagrancy by any person, unless a well-known object of charity, shall be evidence that the person committing the same is a tramp. This section shall not apply to any woman, to any minor under the age of fourteen years, or to any blind person.

C. S. 4462. **Trespassing and the carrying of dangerous weapons by tramps.** If any person shall enter any dwelling house or kindle any fire on the land of another without the consent of the owner or occupant thereof, or shall kindle a fire on any highway, or shall be found carrying any firearm or other dangerous weapon, or shall threaten to do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment at the discretion of the court, not to exceed twelve months.

C. S. 4463. **Malicious injuries by tramps to persons and property.** If any tramp shall willfully and maliciously do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment, at the discretion of the court, not to exceed three years.

C. S. 4464. **Arrest of tramps by persons who are not officers.** Any person, upon a view of any offense described in the three preceding sections, shall cause the offender to be arrested upon a warrant and taken before some justice of the peace, or he may apprehend the offender and take him before a justice of the pace, for examination, and, on his conviction, he shall be entitled to the same fee as a sheriff.

SEATS FOR WOMEN

C. S. 6555. **Seats for women employes; failure to provide a misdemeanor.** All persons, firms, or corporations who employ females in a store, shop, office, or manufacturing establishment, as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests, or stools as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such seats, stools, or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

If any employer of female help in the State of North Carolina shall fail, neglect, or refuse to provide seats, as provided in this article, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders, or regulations in his or its shop, store, or other place of business requiring females to remain standing when not necessarily employed or engaged in services or labor therein, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

SEPARATE TOILETS FOR SEXES AND RACES

C. S. 6559. **When separate toilets required.** All persons and corporations employing males and females in any manufacturing industry, or other business employing more than two males and females in towns and cities having a population of one thousand persons or more, and where such employees are required to do indoor work chiefly, shall provide and keep in a cleanly condition separate and distinct toilet rooms for such employees, said toilets to be lettered and marked in a distinct manner, so as to separate the white and colored males and females of both sexes: *Provided*, that the provisions of this section shall not apply to cases where toilet arrangements or facilities are furnished by said employer off the premises occupied by him.

C. S. 6560. **Location; intruding on toilets misdemeanor.** It shall be the duty of the persons or corporations mentioned under this article to locate their toilets for males and females, white and colored, in separate parts of their buildings or grounds, in buildings hereafter erected, and in those now erected all closets shall be separated by substantial walls of brick or timber, and any employee who shall willfully intrude or use any toilet not intended for his or her sex or color shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars.

C. S. 6561. **Failure to provide toilets a misdemeanor.** Any person or corporation refusing to comply with the provisions of the second preceding section shall be guilty of a misdemeanor, and upon conviction fined five dollars for the first offense and five dollars for each day they shall fail to make the provisions required under this article.

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JUVENILE COURTS

IN

NORTH CAROLINA

SPECIAL BULLETIN, No. 2
ISSUED BY THE
N. C. STATE BOARD OF CHARITIES AND PUBLIC WELFARE
MRS. KATE BURR JOHNSON, *Commissioner*
RALEIGH, N. C.
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JUVENILE COURTS IN NORTH CAROLINA

Q. What is a Juvenile Court?

A. It is a special division of the Superior Court for hearing children's cases apart from those of adults.

Q. Why is a Juvenile Court necessary?

A. Not only to protect children from the stigma of a trial in a criminal court and, perhaps, from association with hardened criminals, but also to study the needs of the child with a view to intelligent treatment.

Q. What is the nature of a Juvenile Court hearing?

A. The Juvenile Court is not a child's edition of a criminal court. It is an informal yet dignified proceeding to determine what steps should be taken to prevent a child who has exhibited delinquent tendencies from becoming a criminal, and to save a child who is living in destitute or demoralizing conditions from the consequences of neglect.

Q. What is the chief distinction between a criminal court and a Juvenile Court?

A. A criminal court is concerned chiefly with determining the guilt of an offender through prosecution and trial, and, if guilt is established, meting out punishment to suit the crime. In the Juvenile Court the question of guilt or innocence as to a particular act or acts is wholly subordinate both to an examination of the character and condition of the child, and to an investigation of the social factors responsible for the child's being brought to court to determine, if possible, what should be done to save the child.

Q. What is the underlying assumption of the Juvenile Court?

A. That the child is the ward of the State, and is entitled to the protection of the State, when its welfare and happiness become endangered. The court's function is parental. The court should proceed as does a wise parent, and should have before it all the information that can be secured before any decision is reached.

Q. On what basis is the Juvenile Court system in North Carolina organized?

A. With the county as a unit. Every county in the State has a Juvenile Court, which is a part of the Superior Court of the district.

Q. Are there other Juvenile Courts in the State?

A. Yes. A city of 10,000 population is required to have a city Juvenile Court, while towns of 5,000 population, if they are not county seats, and if they have recorders' courts, may have separate Juvenile Courts. Under certain conditions a city Juvenile Court and a county Juvenile Court may be combined.

Q. Who are the Juvenile Court judges?

A. In every county the Clerk of the Superior Court is the judge of the County Juvenile Court, while in City Juvenile Courts the recorder acts as judge, or a special judge may be appointed for the purpose by the governing body of the city.

Q. How are Juvenile Court judges paid?

A. The compensation of the County Juvenile Court judge is fixed by the Board of County Commissioners and paid from general county funds; the compensation of the City Juvenile Court judge is fixed by the governing body of the city and paid from funds of the city.

Q. Who are the probation officers?

A. The County Superintendent of Public Welfare is the Chief Probation Officer in each county. Six counties—Buncombe, Durham, Forsyth, Guilford, Mecklenburg, and Wake—have ten special probation officers. City Juvenile Courts may have specially appointed probation officers.

Q. What children come under the jurisdiction of the Juvenile Court?

A. Delinquent, neglected, and dependent children under sixteen years of age.

Q. Are there any exceptions to this?

A. In case of a child between the ages of fourteen and sixteen years who is charged with a felony for which the punishment in the case of an adult would be ten years imprisonment, or greater, the Juvenile Court does not have jurisdiction. If a child between fourteen and sixteen years of age is charged with a felony for which the punishment as fixed by law for an adult is less than ten years in prison, the case must be investigated by the probation officer and the Juvenile Court judge. The judge of the Juvenile Court may in his discretion dispose of the case or hold the child in custody or bind him to the next term of the Superior Court.

Q. Who is a delinquent child?

A. One who violates any municipal or State law or ordinance, or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents, or beyond their control, or who is in danger of becoming so.

Q. Who is a neglected child?

A. One who engages in any occupation, calling or exhibition, or is found in any place where a child is forbidden by law to be, and for permitting which adults may be punished by law, or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of the child.

Q. Who is a dependent child?

A. One who is destitute, homeless, or abandoned, or dependent upon the public for support.

Q. Who should be present at a Juvenile Court hearing besides the judge and chief probation officer?

A. Only those directly concerned in the case—the child and its parents or guardian, the complainant, and necessary witnesses. The curious spectators not concerned in the case should be excluded from the room where the hearing is held.

Q. What is the process of bringing a child into the Juvenile Court?

A. First a **petition** is filed by anyone having knowledge that a child is within the jurisdiction of the Juvenile Court law. Then a **summons** is issued to the parent or guardian, instructing him to bring the child into court on a certain day. Such summons may be mailed to the parent or it may be served by the sheriff or some other officer designated by the Juvenile Court judge. If such summons is not obeyed, or if the court has reason to believe that a summons will not be sufficient, he may issue a **warrant**, directing the sheriff, or other officer designated, to take the child into custody. While the hearing is pending the child may be released in the custody of the parent or some other person, or placed under the supervision of the probation officer, or he may be held under bail. As a condition to retaining the custody of his child, the parent may be required to give bond for his appearance.

Q. Should a child be confined in a jail or lock-up while awaiting the Juvenile Court hearing?

A. It is unlawful for a child to be confined in any penal institution where he may come in contact with persons convicted or charged with crime. Usually the child may remain in its own home until the case is heard. It may be placed in a detention home or a boarding home.

Q. What is a detention home?

A. A detention home is a home provided by the county and supervised by a matron or superintendent. It is conducted as an agency of the court for the temporary detention of dependent, neglected, and delinquent children.

Q. What is a boarding home for children?

A. A boarding home is a suitable private home where a child may be kept pending a Juvenile Court hearing, or commitment to an institution, and for whose care a reasonable amount of board may be paid by the child's parents or guardian, or from county funds if authorized by the judge of the Juvenile Court.

Q. What are the essential facts a Juvenile Court judge should have before he can proceed intelligently in any given case?

A. A detailed knowledge of the child himself, including a physical and mental examination and study of his behavior, developmental history, school career, and religious background; knowledge of his environment, including his family and home conditions, and an estimate of the essential causal factors responsible for his behavior.

Q. Who supplies the Juvenile Court judge with these facts?

A. The probation officer upon a thorough investigation before the hearing.

Q. Why are these facts necessary?

A. In order that the judge, together with the probation officer, may decide upon a course of treatment which will remove the cause of delinquency or neglect, and best help and protect the child and society.

Q. How should a Juvenile Court hearing be conducted?

A. The hearing should be private, with only those present who are directly concerned in the case. Witnesses should not be allowed in the court room except when testifying. No child should be required to take the formal court oath. One or both parents or the legal guardian of the child should be required to be present. The hearing should be conducted with as little formality as possible, the purpose being to prevent the child being tried and treated as a criminal. In every case the court should explain to the child and parents the nature of the proceedings and the disposition made of the case.

Q. What disposition may be made of a case of delinquency?

A. Dispositions vary with individual cases, according to circumstances, but as a general rule the following types of dispositions may be made:

1. The child may be discharged with reprimand.
2. The child may be placed on probation.
3. The child may be required to make reparation for damage done to property.

4. The child may be removed from parents or guardian and placed with relatives, or in a private family.

5. The child may be sent to an institution.

Q. What is the most frequent disposition and, generally, the most desirable?

A. To place the child on probation.

Q. What is meant by placing the child on probation?

A. Probation, as it relates to children, may be defined as a system of treatment for the delinquent child by means of which the child remains in his ordinary environment and, to a great extent, at liberty, but, throughout a probation period, subject to the watchful care and personal influence of an agent of the court known as the probation officer. It is a process of educational guidance through friendly supervision.

Q. What is the chief function of probation?

A. Every person's habits and conduct are largely influenced by the social agencies of the community in which he lives, which include, among others, the home, the church, the school, industry, recreation, etc. To a considerable extent delinquency is due to a failure on the part of one or more social agencies to contribute their part toward the wholesome development of the individual. The function of probation, therefore, is to secure the sympathetic support of all the social agencies of the community in the treatment of the delinquent child, and to surround him with a network of favorable influences which will enable him to maintain normal habits of life.

Q. Is it desirable to have both men and women probation officers?

A. Yes. As a usual thing, women should be in charge of girls and men in charge of boys, though pre-adolescent children can frequently be successfully handled by probation officers of either sex.

Q. What are some of the social agencies in the community that the probation officer will find helpful in his work?

A. Rotary, Kiwanis, Lions, and Civitan clubs; the Boy Scouts, the Girl Reserves; the school, church organizations, especially for young people; social service departments of women's clubs, and others.

Q. How does the probation officer keep in touch with a child on probation?

A. By frequent visits to the child in his own home, in which the child is questioned and the parents consulted as to the child's

behavior. Teachers should also be seen occasionally about the conduct of the child in school and on the playground. Every effort should be made by the probation officer to get the confidence of the child on probation, to secure the child's interest and co-operation in his own treatment, and to build up a feeling of comradeship between them, such as a Boy Scout feels toward his scoutmaster.

Q. How long should a child be kept on probation?

A. It varies with the individual case. In some cases a few months will be sufficient. Others may require several years.

Q. Is probation in juvenile delinquency cases a success?

A. No figures are available for North Carolina, but in New York, in 1919, eighty per cent of the cases were regarded as successful, while in 1918, in the Chicago Juvenile Court, the percentage of successful cases reached above ninety. In the Juvenile Court of Richmond, Va., about sixty per cent of the probation cases make good. What criminal court can show such a record for sentenced prisoners?

Q. Can probation be made a success in North Carolina?

A. The success of probation depends to a large extent upon the personality, the enthusiasm, and the faith of the Juvenile Court judge and the probation officer. Judges who believe that probation is "letting a youthful criminal go free," and probation officers who feel that a delinquent child should be hustled off to some institution, need not expect much results from probation. The proper place for training a child is in his own home and in his own community, and if all the social agencies and individuals together in a community cannot supply wholesome interests and activities for the adventuresome spirit of youth, and inspire in the child respect for the law and loyalty to the customs of the community, we may well call democracy a failure.

Q. When should a child be sent to an institution?

A. Institutional care should be utilized only when careful study that includes a knowledge of the needs and possibilities of the individual clearly indicates the necessity for it, or when repeated attempts to adjust the child to home life in the community have failed.

Q. What institutions are there for delinquent white boys in North Carolina?

A. Jackson Training School, located at Concord, N. C.; Eastern Carolina Training School for Boys, located near Rocky Mount, N. C.

Q. What is the institution for delinquent white girls in North Carolina?

A. Samarcand Manor, at Samarcand, N. C.

Q. What is the institution for delinquent Negro boys in North Carolina?

A. Morrison Training School for Delinquent Negro Boys, located at Hoffman, N. C.

Q. Does the State support an institution for delinquent Negro girls?

A. No. But the State Federation of Colored Women's Clubs has established a Home for Colored Girls, at Efland, N. C.

Q. What institution takes neglected and dependent white children in North Carolina and places them out for adoption in private homes?

A. The North Carolina Children's Home Society, at Greensboro, N. C.

Q. Has the judge of the Juvenile Court any authority to order a child flogged, either by its parents or by a court officer?

A. No. The parents of a child have the right to administer reasonable discipline in their own home, but a Juvenile Court judge cannot order that a child should be whipped even by its parents.

Q. When should fines be imposed?

A. Never in children's cases. Restitution or reparation should be required in cases where they seem to have disciplinary value or to instill respect for property rights.

Q. What records should be kept by the Juvenile Court?

A. A brief record of each case should be entered in the regular Juvenile Court record. A full record of the investigation and disposition of the case, together with all petitions, summonses, orders, etc., issued by the court, should be kept in files of the Superintendent of Public Welfare.

Q. Are Juvenile Court records open to inspection by the public?

A. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court.

Q. When should a case be settled out of court?

A. Since the aim of the Juvenile Court is to prevent the child from becoming a confirmed delinquent, the probation officer

should strive to forestall the necessity of bringing the child into court. He will, therefore, settle many minor cases out of court.

Q. What should be the relation of the policeman to the Juvenile Court?

A. The duty of the policeman should be to aid in the prevention of juvenile delinquency on his beat. Except in case of serious acts of delinquency by older children, the policeman should not make arrests, but should report delinquents to the probation officer. In all cases he should report immediately to the probation officer or the Juvenile Court. The placing of a child in the city jail or lock-up with adult offenders is itself a violation of law.

Q. What are the chief qualifications for a good probation officer?

A. The probation officer must have the spirit of the artist working with human clay. He must be human; he must work with his heart as well as with his head. He must be religious in its broadest and best sense. He must have faith in humanity, especially in boys and girls. He must be an expert in child life and child nature. He must be able to grasp facts quickly, and must have a great deal of tact and diplomacy, unusual memory, ability to get around quickly and to "get in." Above all, he must be actuated by genuine sympathy and spirit of service.

Q. What are the chief qualifications of a good Juvenile Court judge?

A. Legal training, acquaintance with social problems, a sympathetic understanding of child psychology, and, above all, faith in probation as a constructive, regenerative force in the lives of boys and girls who have gone astray.

Q. What was done with delinquent children before we had a Juvenile Court system?

A. Usually nothing was done until the child became a serious offender. Then, if he was without relatives or friends with money or influence, he was not infrequently sent to jail to await trial and occasionally was sent to the roads.

Q. Can we say that North Carolina's Juvenile Court system is successful?

A. Compared with our former method of handling children, the Juvenile Court is a success. Measured by any standard, it is a success wherever we have a good County Superintendent of Public Welfare and a sympathetic Juvenile Court judge. Wherever the system is failing to work with reasonable success, it is due to the inefficiency of officials or a lack of proper facilities for handling difficult cases.

MOTHERS' AID



IN NORTH CAROLINA

SPECIAL BULLETIN No. 3

ISSUED BY THE
N. C. STATE BOARD OF CHARITIES AND PUBLIC WELFARE
RALEIGH, N. C.
1924
(Revised 1926)

A HOME AND A MOTHER FOR EVERY CHILD

What is the Mothers' Aid Fund?

It is a fund of $28,500 given by the State, to be met dollar for dollar by the counties taking advantage of it, to assist needy mothers to care for their children in their own homes.

What is the main idea underlying Mothers' Aid?

That every child should have normal mother care, family relationship, and home-life, in order to develop properly.

What makes a mother eligible for this assistance?

She must be a woman of character and ability who has lost her husband by death, desertion, insanity or crime, and who has children under fourteen years old.

How is the State Fund divided among the counties?

On a population basis. Quotas not used by counties revert to the Mothers' Aid Fund for redistribution the second year.

Who has charge of administering this fund and decides what a mother needs?

The County Superintendent of Public Welfare, with the assistance of the County Board of Public Welfare and the State Board of Charities and Public Welfare. The superintendent or board member visits the family, sees that medical care is given, watches the school progress of the children, finds suitable work for mother and children, and makes friendly suggestions about housekeeping and child training. In order to receive part of the fund, a mother must be approved and supervised by both the county authorities and the State Board of Charities and Public Welfare.

Do the County Commissioners always agree to the amount based on individual family needs?

In most cases they agree to the findings of the Board of Public Welfare.

Is the mother receiving this aid considered an object of charity?

No. She is considered an employee of the State, and her job is to raise good citizens.

What is the advantage of regular amounts paid the mother each month?

She thus knows what to count on, and can plan expenditures sensibly.

What is an average Mothers' Aid family?

Four children living with a widowed mother in a four-room cottage.

How much does it cost a month to keep a child with its mother under this plan?

A mother can keep a child for $5.96, though this is less than is needed in many cases.

Why does it cost so little?

Because 56 per cent of the mothers have gardens, cows, chickens, a few cleared acres for farm work, or can get house rent free.

Do the orphanages approve of Mothers' Aid?

They helped in getting the bill passed.

Can the institutions care for all children applying?

No. They have long waiting lists.

Will institutions always be needed?

Probably. Many children have mothers not eligible for aid, and there are many others who need institutional care for special reasons.

How many children are being assisted by North Carolina Mothers' Aid Fund?

Nearly 1,100 in 251 families, in 67 counties.

Is this the total number that should be helped?

No. Fifty-eight counties have used up their quotas and have from one to ten mothers on waiting lists. The other counties that signed the contract can take on only a few new cases.

How much should the General Assembly of 1927 appropriate for this fund?

Seventy-five thousand dollars, at least.

If the State does not do this, what will happen?

Many mothers will have to break up their homes and place their children in institutions. Others will suffer privation and want.

Who are these mothers?

Native-born North Carolinians, with a very few exceptions; several were born in other states and one in Ireland.

Can the State afford to make this appropriation?

Yes. It is cheaper to provide for the children now, than to provide for criminals and paupers later.

What do other states spend for similar work?

Pennsylvania appropriated $1,750,000 in 1925 for Mothers' Aid Assistance Fund.

What other Southern State is administering Mothers' Aid?

Not one on a state-wide dollar-for-dollar basis. North Carolina is in the lead in Mothers' Aid work in the South.

How can I help?

(a) Whenever you can, talk the common sense of Mothers' Aid and its inexpensive value.

(b) See the legislator from your district and tell him why you believe in this fund. Ask his support for the increased appropriation. If you cannot see him, write.

"He who helps a child helps humanity with directness which no other help can equal."



ENTRANCE TO THE VANCE COUNTY HOME

POOR RELIEF

IN

NORTH CAROLINA

SPECIAL BULLETIN No. 4

ISSUED BY THE

NORTH CAROLINA STATE BOARD OF CHARITIES
AND PUBLIC WELFARE

RALEIGH, N. C.

1925

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LETTER OF TRANSMITTAL

Mrs. Kate Burr Johnson,
Commissioner of Public Welfare,
Raleigh, N. C.

Madam:—I am submitting herewith a brief study of poor relief in North Carolina. The study, based upon figures available from reports for the last three years, includes also a summary of progress for the period since 1919, as represented by new buildings. The study is offered for publication in the hope that it may be helpful to boards of county commissioners, county boards of public welfare, county superintendents of public welfare, and others who have to do with the administration of poor relief in North Carolina.

Respectfully,

Roy M. Brown,
Director Bureau of Institutional Supervision.

October 30, 1924.

FOREWORD

In 1922, the State Board of Charities and Public Welfare undertook to make a rather intensive study of poor relief in the State. A comprehensive questionnaire was sent to the superintendents of public welfare. The director of the Bureau of Institutional Supervision of the State Board visited a large number of homes. Within the last two years these visits have been continued until practically all of the county homes in the State have been visited, some of them several times. It has not been practical to repeat the sort of survey made in 1922, for the succeeding years. Figures as to farm products are, therefore, not available. For these reasons, and for the additional reason that the year 1921 immediately follows the census year, this year has been chosen as the basis for this study. Such figures as are available for the succeeding two years are given as a basis of comparison. Thanks are due Dr. J. F. Steiner of the University of North Carolina and members of one of his classes in statistics for aid in tabulating much of the information on which this bulletin is based.

POOR RELIEF IN NORTH CAROLINA

THE COUNTY HOME FARM

The poorhouse of the early days of the State's history to a very much greater extent even than the county home of today, was the dumping ground for all the misfits of society. It was the direct descendant of the old English workhouse. It was maintained quite as much for the purpose of disposing of certain undesirable classes of the population as of caring for the indigent. The first attempt at legislation for poor relief in North Carolina was a bill introduced in the Colonial Assembly, April 7, 1749, designated a bill for the "relief of the poor and the prevention of idleness." Likewise the first law enacted by the Colony, 1755, provided for the restraint of vagrants as well as for making provision for the poor.

Since vagrants and other minor offenders, able-bodied people, were to be sent to the poorhouses, which were gradually provided in the various counties, it was wisely decided that the able-bodied inmates should contribute to their own support. The most natural thing in the early days of the State was to decide that this could be best accomplished by putting these inmates to work on the farm. It became the custom, therefore, to place the poorhouse on a farm and to expect it to be largely self-supporting.

There is little reason to believe that these farms, except perhaps in rare instances, were ever successfully operated. Often the determining factor in securing land for the poor farm was that a large number of acres could be purchased for a small sum of money. Often the land selected was undesirable for farming because of its lack of fertility, or its inaccessibility, or both. The management, both from the point of view of equipment and of supervision, was usually as unintelligent as the purchase.

The population of the county home has changed. "Vagabonds and rogues" are still sent to the county poor farm, but not in so great numbers as formerly. Children are not found in nearly so great numbers as was once the case. The violent insane and the epileptics have in large measure been provided for. A beginning has been made toward State care for the feebleminded. But the poor farm remains. Practically all the county homes in the State have considerable farms, or at least areas of land, attached. As shown by a careful census made in 1922, of the ninety-four counties owning poor farms only six counties—Beaufort, Carteret, Dare, Hyde, Pasquotank, and Tyrrell—have holdings of less than twenty-five acres. Eight others—Craven, Lenoir, Madison, Moore, Richmond, Robeson, Wilson, and Yancey—report acreages ranging from twenty-five to fifty. Twenty-nine counties have farms of from one hundred to two hundred acres; twenty counties, of from two hundred to four hundred acres; and nine, of more than four hundred acres. Within the last two years Alamance, Chatham, Vance, Nash, and Halifax have built new homes on reduced acreages.

As a rule the county home farms are poorly equipped with farm machinery and livestock. It is hardly necessary to add that they are poorly farmed. Thirty-six county homes with farms ranging from a few acres to three hundred acres report no farm machinery. The same number report no livestock belonging to the county. It is most unusual to find any livestock belonging to the county except hogs—in some instances a fine herd—and an occasional cow. The keeper of the home who operates the farm furnishes his own machinery and stock. His financial condition is, almost

without exception, such that he cannot furnish the equipment necessary for the efficient cultivation of the land entrusted to him. He, therefore, proceeds to work a portion of the land after the inefficient and, to the land itself, as well as to the farmer, ruinous methods of the unsupervised tenant farmer. Only occasionally do we find a farm that shows evidence of intelligent management. Such an exception is the county home farm in Iredell County. Here, under the direction of an intelligent superintendent who has been in charge for eighteen years, the county home farm has been brought to a state of productiveness scarcely surpassed in this excellent agricultural county.

County homes in the State own approximately sixteen thousand acres of land. Of this about one-fourth, or a little more than four thousand acres, is in cultivation. Twelve thousand acres—three-fourths of the total acreage—are idle. Of this waste land, the keepers of the county homes report that five thousand additional acres are cultivable. As a matter of fact, nearly all of it could be put in condition for profitable cultivation.

Actual Conditions

A few specific instances may give a clearer picture of the actual conditions on county home farms. Among the counties which own no farm machinery or livestock in connection with the county home farm are Ashe, with farm lands reported to be worth thirteen thousand dollars; Cleveland, with a farm valued at thirty-two thousand five hundred dollars; and Johnston, with lands worth twenty-four thousand dollars. Anson, whose holdings in lands for the county home are valued at sixteen thousand dollars, owns no farm machinery and had thirty-five dollars invested in livestock. Guilford reported land worth thirty thousand dollars. She reported only two hundred dollars worth of farm machinery and no livestock. Alamance had two years ago farm lands worth twelve thousand dollars, and one hundred dollars worth of farm machinery. She has since disposed of this farm and has built a new home on a smaller farm. Now let us see how these farms are equipped by the various superintendents of the homes. The Alamance farm of eighty acres, valued at twelve thousand, was stocked with one mule, two milk cows, four hogs, and one hundred and twenty-five hens. Ashe County's farm of one hundred and forty acres is equipped by the superintendent. He owns two horses, five milk cows, three hogs, and thirty-five hens. We have no report as to the machinery which he owns for working the farm. The Anson County home farm of two hundred and fourteen acres is equipped jointly by the county and the superintendent of the home. The superintendent owns two mules, one cow, three hogs, and forty hens. The county furnishes one cow valued at thirty-five dollars. No farm machinery was reported. Whatever is used is owned by the superintendent. Johnston County's county home farm contains two hundred and forty acres, only fifty acres of which are in cultivation. "This land," says County Superintendent of Public Welfare H. V. Rose, "will produce a bale of cotton to the acre, or twelve hundred pounds of bright leaf tobacco." The livestock and farm machinery on this valuable farm are owned by the superintendent. At the time of the survey there were two mules, one horse, ten hogs, and forty hens. The report reads, "No cow at present." There had been none for a year, or at least no milk had been produced.

As would be expected under such conditions, the per acre yield from county home farms is very small. Six thousand acres are yielding in crops of all kinds, including vegetables, fruits, livestock, milk, butter, eggs, and meats, a gross income of less than fifteen dollars per acre. Three thousand

acres of this are producing less than ten dollars per acre per year gross return. And another area of twenty-six hundred acres is yielding annually less than five dollars per acre.

Looked at from the point of view of income from the money invested, the showing is quite as poor. In the cases of only fifty-five counties do we have full enough reports to warrant the drawing of anything like definite conclusions along this line. In the cases of these fifty-five nothing more than an approximation of accuracy may be claimed. In no county home in the State is there a system of account-keeping that would enable one to form even an intelligent guess as to the financial affairs of the county home farm. The law requiring such account-keeping is ignored for the simple reason that there are not one half of a baker's dozen of the county home superintendents in the State who could keep the simplest set of books. All figures as to the products of the farm are estimated by the superintendents of the homes. But while there are doubtless inaccuracies in the figures in every case, it is believed that they approximate the truth nearly enough to be valuable. According to these figures nine county home farms bring to the respective counties from all garden and farm products, including feed-stuffs and livestock and livestock products, a gross income of less than five per cent. Thirty-one of these fifty-five counties produce a gross income of not over ten per cent. Twenty-four farms make a showing of more than ten per cent. If we had complete figures from all the counties, it is extremely doubtful that this group of twenty-four would be increased in number. There is no way of getting at the net income.

Idle Acres

Seven county homes, in 1922, had each two hundred or more idle acres. These are: Surry, with 425 idle acres; Halifax, 340 acres; New Hanover, 300 acres; Rutherford, 300 acres; Nash, 252 acres; Orange, 250 acres; and Rockingham, 200 acres. Taking the average value per acre assigned in the reports from these counties, we have represented by these two thousand two hundred and sixty-seven idle acres a total unproductive capital of one hundred and forty thousand dollars. (Halifax and Nash have each recently completed new county homes, on new and smaller farms.) A number of other counties have as large a percentage of uncultivated land, bringing the total to twelve thousand acres.

These figures, incomplete as they are, show that farming in connection with county homes in North Carolina is not generally profitable. But it would be a matter of little importance whether a county home farm pays, if it could be shown that the farm is producing in as great abundance as needed those foods which are best suited to the needs of the inmates and which may best be had in desirable abundance and quality only when produced at home. But this is rarely if ever true. Very rarely is there an intelligent effort to have a bountiful supply of vegetables for as nearly all the year as is possible in that particular locality. As a rule the raising of vegetables is secondary to the production of a money crop. Recently on the county home farm in the finest trucking section of the State, a representative of the State Board of Charities and Public Welfare found no early vegetables and no adequate provision for a later supply. While train-loads of early vegetables were being shipped from the immediate neighborhood, the only vegetable on hand for use in the institution was some spinach given by one of the county commissioners. Preparations were being made for a crop of corn. More often, as has already been said, the farming is done in such a slipshod way that neither vegetables nor other crops are a success. Usually the superintendent of the county home reports that he produces plenty of

vegetables, but in most cases a look at the county home garden is proof that he does not appreciate the meaning of plenty of vegetables. What is true of vegetables is also true of milk, eggs, and meats. An adequate supply of milk and butter is as unusual as an adequate supply of vegetables. Very few counties make any provision for a milk supply. This is true also of eggs. Practically the only kind of meat produced on the county home farm is hog meat. A few of the homes produce a considerable supply of this.

BUILDINGS

County homes in North Carolina still include every type and condition of building from wretched shacks and log cabins to creditable and even elaborate and expensive plants. The Wake County Hospital, as the county home is locally called, is one of the most imposing looking buildings in the vicinity of the State Capitol. The Guilford County home is one of the most conspicuous buildings or group of buildings in the neighborhood of Greensboro. Nash County has just completed a county home at a cost of one hundred thousand dollars, and Robeson is now building a home that is to cost one hundred and seventy-five thousand dollars.

Until quite recently the most common type of county home was a group of two-room cottages. A number of these remain. Usually these cottages are of wood—small frame buildings, often with a chimney in the middle, providing an open fireplace in each of the two rooms. Occasionally the cottages are of brick. More rarely we find a county home, coming down from a still earlier period, with log cottages. The tendency, as has been suggested, is away from the two-room cottage type of institution. The newer home consists of a single building, or a group of connected buildings, usually of brick. In the latest of these, the quarters of the inmates are one-story.

Thirty-nine counties each have buildings alone valued at $15,000 or more. Twenty each have buildings worth $40,000 or more. Three other counties are now constructing buildings to cost $75,000, $114,000, and $175,000, respectively. Since 1919, twenty-five counties—Alamance, Burke, Caldwell, Chatham, Cherokee, Clay, Durham, Guilford, Halifax, Jackson, Johnston, Nash, Northampton, Onslow, Person, Polk, Randolph, Robeson, Rowan, Rutherford, Stanly, Vance, Watauga, Wayne, and Wilson—have erected, or now have in process of erection, new county homes. With three exceptions—Cherokee, Clay, and Polk—these are substantial brick structures costing from $20,000 in Watauga to $175,000 in Robeson. The aggregate cost of these new buildings has been $1,000,000. Measured in terms of money invested, or in terms of equipment as expressed in buildings, progress has been made. The extent of that progress is suggested by the pictures in another section of this bulletin. Judged by any standards there has been progress. But in too many cases the progress has been more apparent than real. Some of the better buildings have been poorly planned. The number that show evidences of having been planned by one who had some conception of the problems presented by the county home is increasing, but there are still too many of the other class. There is often inadequate provision for the segregation of the sexes. There is not always complete segregation of the races. In the newer homes, infirmary wards have usually been provided for the sick; but these wards are usually either inadequately furnished or not furnished at all. Quite frequently they are not used, or are used as other rooms for the housing of inmates.

Of the eighty-five homes reporting two years ago on lighting systems, thirty-five had electric lights; two had gas; forty used kerosene lamps;

five, lanterns, and one, candles. Many county commissioners living in the country do not have electric lights. Certainly the average citizen does not have this convenience. Commissioner, grand juror, and taxpayer alike, therefore, naturally concludes that there is no good reason for taxing the people to provide these luxuries for the poor. He forgets that with the scant supervision usually provided at the county home, the kerosene lamp endangers not only the property of the county but the lives of the inmates. Within the last few months the building for colored inmates at the Lenoir County home was burned at night and with it the only colored inmate. It is surmised that this inmate, a feeble old woman, who was in the building alone, attempted to light her lamp and accidentally set fire to the building.

A large number of the homes, including some of those with substantial buildings, are poorly furnished. Often the furnishings are of the crudest sort. A cheap bed—usually a double bed—a cheap straight chair for each inmate, sometimes a table—these are the typical furnishings of a room in the majority of our county homes. Such luxuries as closets, bureaus, chests, or mirrors, in the rooms of inmates, are the exception rather than the rule.

An interesting point in connection with the building of new county homes is the number that have been relocated—brought out from the back country to the main highways near the county-seats. There are still twenty-one homes, however, that are not on a public highway. I found it impossible in 1923 in dry weather to reach one of these, in the eastern part of the State, in a Ford. And after one day's rain late in September, 1924, I was advised not to attempt to reach the new county home in Burke County.

SUPERVISION

Supervision in the county homes in North Carolina is of a lower type even than the equipment. It has not yet become the general custom to pay salaries that will attract the type of men needed for the difficult task of operating a county home. Thirty-seven counties pay their superintendent of the county home less than one hundred dollars cash per month. Nineteen pay six hundred dollars or less per year. Twenty counties sell the keeping of the county home to the lowest bidder. The same number pay a stated amount per month per inmate. In addition to his salary, it should be borne in mind, however, that the superintendent gets a house to live in and, usually, board for himself and family. In the eighty-three counties reporting on this item, the average age of the superintendent is forty-seven years. In many cases there are large families of children. These are usually supported by the county. In one instance the county was supporting seventeen members of the superintendent's family in addition to paying eighteen dollars per month per inmate for sixteen inmates. He had a house and a hundred acres of cultivable land free of rent. As I write, a county superintendent of public welfare tells me that a new superintendent of the county home has just been elected in his county. The retiring superintendent has ten children. He received house rent and food for his family in addition to his salary of seventy-five dollars a month. A cook was paid twenty dollars a month. Under such conditions seventy-five dollars per month is not a salary to be despised.

About twenty counties have paid matrons. One county pays its county home matron $900 a year; three pay $600; two pay $240; the others of the group pay less than $400. More often the wife of the superintendent serves as matron without pay in her own name. Not infrequently she does the cooking, looks after the inmates and the house work, and cares for several small children of her own. This may be the chief reason for the type of

superintendent most common in the State. Whatever the reason, it is not unusual to find a superintendent who belongs to a class only slightly superior to a majority of the inmates. He is rarely in the class with the other officials of the county. He is not the type of man who could be elected register of deeds or clerk of the court. There are a few exceptions, but they are exceptions. Two instances in counties in widely separated sections of the State illustrate the type of superintendent and matron that is quite frequently found. In a county in which the tumble-down shacks called the county home are a disgrace, the single inmate, an old half-crazy negro man, was telling the visitor about the fat meat he had to eat. The keeper flew into a rage and hotly protested that he did not buy fat meat, but "good shoulder meat." Two representatives of the State Board of Charities and Public Welfare were visiting another county home. The superintendent was away. His wife was working in the cotton field. After a while she came in. She was barefooted. Her baby was nursing as she walked along, and her dress was thrown open from the neck to the waist. Her mother, her mother's sister, and her father's brother are inmates of the home. She is matron without salary. In our survey we tried to secure some information as to the education of superintendents. Eighty counties gave some sort of information on this subject. In seventy-four of these the superintendent had less than a high school education. Six are recorded as having a high school education or more. Since then the only superintendent who had any college training has been removed because he did not belong to the same political faction as the county commissioners. A large number of these superintendents are practically illiterate. A few cannot read and write. Most of the superintendents were farmers before they came to the county homes—sixty-nine out of eighty from which information on this item was obtained. Thirty of these were tenant farmers. The eleven who were not farmers came from various occupations—merchant, salesman, carpenter, mason, jailer, policeman, "moonshiner."

Until recently there has been but little supervision over the superintendent. The county commissioners, who, since the Civil War, have had the general oversight of poor relief, have usually contented themselves with employing a superintendent every two years. Sometimes he is chosen because he is the cheapest man; sometimes because he has been of service to the political faction in power. Sometimes the commissioners are genuinely interested; but they are usually busy men giving one or two days a month to the affairs of the county. In any case, the county home, as a rule, gets little supervision from this source. Some time ago a representative of the State Board of Charities and Public Welfare was visiting a county home. It was his first visit. Some other gentlemen were also visiting the institution that day for the first time. They were members of the board of county commissioners of the county. The wife of the superintendent, who had been matron of the institution for five years, did not know at sight the members of the board under whom she had been serving.

Since 1919, the law has provided that the county superintendent of public welfare shall "have, under the control of the county commissioners, the care and supervision of the poor, and administer the poor funds." This law seems to have been variously interpreted by various boards of county commissioners. A few boards, even in counties that have full-time superintendents of public welfare, are apparently ignorant of the existence of this law. In the larger number of these counties, however, all new cases of relief are referred to the superintendent of public welfare for investigation and recommendation. The number of counties in this group is constantly increasing.

In a few counties the superintendent of public welfare has the actual administration of the poor funds, the commissioners retaining only general oversight.

Some Notable Instances

In a few instances the results of turning the active supervision of the county home over to the county superintendent of public welfare have been notable. In Avery County, for the fiscal year ending November 30, 1921, the county treasurer paid for the maintenance of the county home, exclusive of money listed as spent for additional land and for farm machinery, $594.91 per inmate per year, or $49.57 per month. This home consisted of a very cheap wooden building without any modern conveniences. It was wretchedly kept. Mrs. Lillian Edmonson, superintendent of public welfare, was told to try her hand. Mrs. Edmonson became the real superintendent. She bought the supplies, and supervised the management of the home. The work at the home was done by a woman whom Mrs. Edmonson took from the county jail where she was serving a sentence for violation of the prohibition law. The institution was made as sanitary as possible with the equipment. The cost for 1922 was $206.45 per capita, or $17.20 per month. But Mrs. Edmonson was not satisfied with even this showing. Watauga County has a comfortable brick county home with more room than is needed for the poor of that county. Upon the superintendent of public welfare's recommendation, arrangements were made to transfer Avery's poor to the Watauga County home April 1, 1923. For this year, three months in the Avery County home and nine months in the Watauga County home, the cost was $116.10 per capita per year, or $9.67 per month. The care that these people are receiving in the Watauga County home is not ideal, but it is better than the care they were receiving in the Avery County home before Mrs. Edmonson took charge. The cost for 1923 was less than one-fifth the cost for 1921.

In Vance County the results have been even more notable. Here the county owned some wooden buildings situated on a farm a few miles from the county-seat. The institution was poorly kept. In 1921 Mrs. W. B. Waddill was elected superintendent of public welfare. She took stock of the welfare problems of the county. One of the immediate needs was some way to care for the inmates of the county home. The county commissioners agreed that something must be done. The superintendent consulted the State Board of Charities and Public Welfare as to the advisability of building a new county home, or county hospital as she conceived it, on a smaller piece of land near the county-seat. The Director of the Bureau of Institutional Supervision was dreaming of district hospital homes for the care of the aged and infirm, so she got but little encouragement. She went on, however. An attractive but inexpensive building of brick was planned and built. It was attractively furnished under the supervision of the superintendent of public welfare. During the months while the new home was under construction she was skillfully preparing the inmates for the change. They were led to look forward to moving into the new home as an event in their lives. Finally the day came. Each inmate was moved to his or her own small room, or in the case of one or two old couples into a suite of two small rooms. One old negro man, who, according to his own account, is "goin' on more than a hundred" years old, had his first experience with a bath tub and enjoyed it so much that he did not want to get out. A low-grade, feeble-minded negro woman, whose room at the old home had always been filthy as a pig pen, was given instruction in caring for her new room (for in this new type of county home, where each inmate has his own room, the inmate is led to feel a responsibility for that room and to take pride in keeping it

in order). This woman has rarely forgotten to make her bed, clean up her room, and raise her windows before leaving the room in the morning. The writer recently visited this home without warning at 8 o'clock in the morning. The inmates were just finishing breakfast. With the exception of one room, occupied by a very old inmate who had remained late in bed, the beds were already made and the rooms in order, this work having been done, practically without supervision, by the inmates. Every inmate was eager that his or her room should be seen. One negro man, partially paralyzed, stood in his door pathetically anxious lest his room should be overlooked.

The old county home, without any of the modern conveniences, cost the county for maintenance, in addition to any products of the farm used in the institution, five thousand dollars a year. The superintendent of public welfare estimates the cost for maintenance for the first year in the new home, with its individual rooms, its attractive living rooms, one for each race, its commodious kitchen and dining rooms, with all modern conveniences, at two thousand five hundred dollars, or one-half the cost of the old home.

There are counties, too, where the county commissioners have secured competent supervision directly through the superintendent of the county home.

A third case of a county that has recognized the importance of intelligent supervision for its county home is Chatham. This county until recently did not have a separate superintendent of public welfare. Two years ago, when the State Board of Charities and Public Welfare asked for a detailed report on the county home, the superintendent of public instruction, who was also superintendent of public welfare, objected to making such a report, on the ground that he did not want it known how bad conditions were. He added that there was then under construction a home of which the county would not be ashamed. When this home was completed the commissioners employed as superintendent a man who had served as register of deeds for the county and whose wife also is superior to the average county home matron. The result is that this poor rural county has one of the most attractive county homes in the State.

In two of these counties the credit for the improvements is due primarily to the superintendent of public welfare. In the third it is due to the wisdom of the county commissioners in choosing a superintendent for the new county home. In the last case that I shall cite, also, the county commissioners may with some right claim the credit; but the most that may be said in this instance is that succeeding boards of commissioners through many years have had the wisdom not to change the superintendent at the county home. For thirty-seven years the present superintendent has been in charge. The home is composed of a group of two-room cottages arranged around a quadrangle. There is a larger cottage for the superintendent. The buildings are neatly painted, and the whole presents an attractive appearance. But such necessities as running water and a sewerage system are absent. The superintendent is allowed to believe that the county is too poor to spend the few hundred dollars needed to relieve her of useless drudgery. But in spite of these handicaps Mrs. Williams has made the Craven County home one of the most homelike and attractive in the State.

Methods of Discipline Vary

Methods of discipline in county homes vary as widely as the types of institutions. There are institutions in connection with which one does not even associate the word *discipline*. They are in fact *homes* for the aged and infirm. There are others which in this respect do not differ materially from

the old-fashioned workhouse. The board of commissioners of two counties in North Carolina have enacted and had printed rules for the government of their county homes. Those of one of these are especially interesting. They are twelve in number. These rules provide for confinement in cells for a number of minor offenses. For each additional offense the punishment is to be doubled. Two of the rules are as follows:

"Second Rule: None of the inmates will be allowed to leave the institution without permission of the superintendent or matron, and any inmate violating this rule shall be confined in a cell not to exceed one week for the first offense, and each additional offense the punishment to be doubled."

"Twelfth Rule: Any inmate that takes, conceals or disposes of in any manner anything that belongs to the ..... County home, shall be punished by confinement in the cells for thirty days, and for each additional offense the punishment shall be doubled."

In our 1922 survey twenty-six of the inmates of this institution, including three children under sixteen years old, are reported feeble-minded. Eleven are insane. There are no physical examinations, and, therefore, no basis for determining to what extent they are otherwise diseased. Sixty of the sixty-eight inmates, however, were reported as unable to do any work. These people are punished by imprisonment, under laws enacted by the county commissioners, for offenses ranging from disobeying the orders of the superintendent to larceny. For the purpose of enforcing these laws the superintendent is judge, jury, and jailer.

For the purpose of discipline, the main building for white inmates has eight or ten punishment rooms—that is rooms with the upper half of the door barred to make it resemble a jail. In addition there are two separate buildings with steel cells, one for the white and one for the negroes. These are used both for the insane and for punishment.

On the occasion of a recent visit I found a negro woman in one of the cells. This woman has "falling spells." It is her duty to milk the cows. One rainy evening she decided to defer the milking until the next morning. For this offense she was sentenced by the assistant superintendent, also a negro, to one week in jail.

A few counties maintain workhouses in connection with their county homes. To a number of others, prisoners, especially women, are frequently sent. The presence of prisoners at the county home greatly complicates the problem of supervision. This is especially true when there are young feeble-minded women among the inmates.

SANITATION

Two years ago eleven county homes reported complete modern conveniences for all inmates—hot and cold running water, adequate bathing facilities, steam heat, electric lights and sewerage, including separate toilets for the different races and sexes. The new homes completed within the last two years add nine counties to the list. Three others now in process of construction double the number reported in 1922.

Taking separately several items that contribute to sanitary conditions, we have twenty-four institutions reporting steam heat; forty-five, stoves, and the remainder open fireplaces. Of eighty-seven counties reporting on the existence or nonexistence of bath tubs, thirty-four had one or more; fifty-three had none; twenty-nine used galvanized wash tubs; six had no facilities. This statement must be modified by the evidence that some of the county homes having bath tubs do not use them for the purpose of bathing. In one small new county home a representative of the State Board of Charities and Public Welfare found each of the two bath tubs partially filled with

straw to give the hens a place to nest. He does not believe that the hens were often disturbed in order to give the inmates a chance to take a bath. In another county the superintendent, in reply to a question as to the frequency of baths, said: "Don't take 'em. Make 'em clean up about every two weeks—change clothes and bed." In a third home, it is reported, the inmates refuse to make use of the bath tubs, preferring "local applications." It is not surprising, therefore, that of the eighty-one counties reporting on this item, only about one-half—forty-three—say that the inmates are clean of person and dress. Only twenty-one out of seventy-nine reporting had one or more living rooms for the use of the inmates. Thirty-five out of seventy-five did not have window space sufficient to give the amount of light desirable in the rooms used by inmates. Thirty-four counties, two years ago, reported modern sewerage systems. Eighteen others had sanitary privies. Thirty had open closets. Three reported "no facilities."

The source of water supply is reported as follows: open wells, twenty-nine; springs, eighteen; pumps, fourteen; deep wells, twenty; and mains from city systems, four. A total of forty-seven counties use either open wells or, for institutional use, the almost equally dangerous spring. One county home superintendent in a county in the northeastern section of the State told the writer proudly that he had fine water—he had never seen any "wiggle-tails" in it.

The kitchen and dining-room of the average county home are the least attractive places about it. They are poorly furnished and often inadequately screened. There are several county homes in the State, of course, which are exceptions to this. Usually the superintendent's wife has been accustomed only to the most primitive mode of living, and is helpless when confronted with the problems of an institution. Frequently dirty and diseased inmates help with the work in the kitchen and dining-room. In one county home in the State a filthy-looking, old insane woman continually potters about the flour bin. Few county home kitchens or dining-rooms are free from flies. Often they are present in swarms. In other parts of the home, also, there is often lack of cleanliness. I am not sure but that the man who is responsible for the disinfectant of the sort commonly used in jails and county homes should be shut up in one of the former for life. To go about squirting vile-smelling stuff out of a "gun" appeals strongly to many county home superintendents, as it does also to the average jailer. It is a poor substitute for soap and water; but it is more easily applied, and it is not yet so definitely associated mentally with labor. It is not particularly surprising that twenty-eight homes report the presence of bed-bugs. Recently when a progressive board of county commissioners in one of the largest counties of the State decided to renovate the county home, a painter employed on the job reported that occasionally when he started to paint over a particularly dark place on the wall, the dark place began immediately to scatter in all directions.

On a slight eminence overlooking a beautiful river valley, with mountains in the background, stands an attractive brick building that cost several tens of thousands of dollars, the county home in one of the best of the mountain counties. "You will want a picture of this for your bulletin," said my companion as we stopped in front of the institution one afternoon in September, 1924. We entered. He may still think a picture should appear in this bulletin, but for a somewhat different reason. There was little evidence of intelligent care anywhere within, but the climax was reached in a room whose walls were covered with finger prints—hundreds and hundreds of them. "What caused these?" asked my friend. "That's where he's killed chinches," replied the son of the superintendent, indicating by a nod of the head the old man who occupies the room.

INMATES

There are in round numbers seventeen hundred and fifty people in county homes in North Carolina. These are distributed among ninety county homes. Ten counties do not at present maintain county homes. These are Avery, which maintains its indoor poor in the Watauga County home; Bladen, which has a home not occupied; Dare, which also has a home not operated; Graham; Hoke; Jones; Onslow, which is now building a home; Pender, whose last inmate was transferred to the Soldiers' Home a year ago; Polk, whose home was not occupied at the last report; and Tyrrell, whose home is not operated. Polk had a peculiar experience. In 1922 this county opened a new county home. Within a year all of the inmates died. Twenty-six counties have fewer than ten inmates each in their respective county homes. Seventy-one have fewer than twenty-five. Nine have forty or more. One, Wake, has more than one hundred. The reports to the State Board of Charities and to the reorganized State Board of Charities and Public Welfare, which are fairly continuous since 1891, show that there has been but little increase in the number of inmates in county homes within thirty years. The actual numbers have increased since 1891 in twenty-six counties. In fifty-three counties there has been a decrease in actual numbers for the period of thirty-two years. In ten other counties there has been a decrease for several years. Considered in relation to the whole population of the county, the figures are still more interesting. Thirteen of the twenty-six counties in which there were increases in numbers are eliminated. The number of inmates of county homes per thousand population has increased within the last thirty years in only thirteen of the counties. And in two of these thirteen the ratio has decreased within the last twenty years.

This general decrease in the ratio of indoor poor is due largely to the elimination of certain classes of persons who were formerly sent to the poorhouse in large numbers, or to progress toward such elimination. Children were formerly found in county homes in rather large numbers. The development of orphanages and of the North Carolina Children's Home Society have taken most of the children. The hospitals for the insane are caring for a large part of the insane. Caswell Training School has relieved the counties of the care of some of the feeble-minded. In many of the counties social investigation is taking the place of political expediency in the admission of inmates.

These facts should be carefully studied by counties contemplating the building of new county homes—especially by small counties. Only three counties in the State—Graham, Hoke, and Jones—have no county homes. Jones once had some provision for caring for indoor poor. Thirty-three counties have some sort of county homes that have fewer than ten inmates. Seven have none. There is little reason to believe that there will be a large increase. There may be a number of people in many of these counties that should be in the county homes. On the other hand, as the plan of public welfare develops, as local social workers develop the technique of poor-relief work, and as the State provides for a larger percentage of the insane and feeble-minded, the ratio of inmates of county homes to the whole population should continue to decrease.

But notwithstanding the fact that progress has been made toward eliminating certain classes from the county homes, these institutions still give shelter to a varied group, the majority of whom are not merely aged and infirm.

Feeble-minded and Mentally Diseased

In the survey made two years ago superintendents of public welfare reported 663 cases of feeble-mindedness among the inmates of eighty-one of the county homes in the State. Investigations by Dr. Harry W. Crane, Director of the Bureau of Mental Hygiene and Health of the State Board of Charities and Public Welfare, indicate that these figures are approximately correct as to definitely recognizable feeble-mindedness. Dr. Crane examined all the white inmates in seven county homes and twenty-eight white inmates in another county home. These county homes were selected in every section of the State. In the case of feeble-mindedness, definitely recognizable as such, the examinations showed about ten per cent more than reported by the superintendents. So there are perhaps approximately seven hundred feeble-minded inmates, who may be definitely classified as such, in the county homes of the State. One hundred and seventeen insane persons were in the county homes in eighty-one counties, according to the reports on this item. But in the seven county homes studied by him, Dr. Crane found two and one-half times as many insane as indicated in the reports. If this ratio holds for the State, there are more than three hundred insane in county homes in the State. Of these, fifty-five were forcibly confined in their rooms or in cells. Sixty-four cases of epilepsy were reported. Five of the epileptics were forcibly confined. Of the one hundred and twenty-six tested by Dr. Crane, two were epileptics; one was a drug addict; eighteen showed some abnormal mental condition, but the form of abnormality was not determined; and fifteen, for one reason or another, could not be tested. Only five of the one hundred and twenty-six were adjudged normal mentally. We believe that it is a conservative estimate to say that eighty-five per cent of the inmates of the county homes of the State are mentally abnormal.

Of the feeble-minded reported, one hundred and thirty-three were women of child-bearing age.

Children in County Homes

Forty-six counties reported having no children as inmates. The remaining thirty-nine counties reported a total of seventy-nine children under sixteen years of age. The ages of fifty-one of these children were given. Twenty-seven, or 53 per cent, ranged in age from one year or less to five years. Sixteen, or 31 per cent, were between the school ages of six and eleven; and eight, or 16 per cent, were between the adolescent ages of twelve and fifteen years. Of the seventy-nine children reported, thirty-seven, or about half, were adjudged by those making the report to be definitely feeble-minded; and some of the children, too small as yet to be classified in regard to mental status, are the children of feeble-minded mothers and, therefore, probably feeble-minded themselves.

In addition to the seventy-nine children reported as inmates, three counties reported a total of eight boys serving sentences at the county homes as juvenile delinquents.

Forty-two children were reported as having been born in the county homes, some now being inmates, and some having died or been taken away from the homes and been put in other institutions or otherwise cared for. Of these forty-two births, thirty-four were reported as illegitimate. In nine cases of illegitimate children, it was reported that conception took place while the mother was at the county home, and in two instances it was believed that the former superintendent of the home was the father of the child.

Fifty-nine married couples were reported; 267 widows, and 180 widowers.

FOOD

There is usually, we believe, an honest effort to furnish to inmates of county homes a sufficient quantity of such food as the wife of the superintendent knows how to prepare or has been accustomed to herself. This does not mean that inmates of all county homes are properly fed. In many of the homes they are not. Vegetables, as has been observed elsewhere, are not supplied as constantly or in as great variety as is desirable or practical. The county home farm produces practically no meat, except hog meat that is produced on a considerable number, but a decided majority of the county home farms and the average county home table know no other, except on rare occasions. "Wouldn't it be possible for us to have just a bit of red meat once in a while?" begged an intelligent negro girl, in an advanced stage of tuberculosis, of the chairman of the board of county commissioners in a certain county. This county home farm contains one hundred and seventy-five acres. The county has no livestock on this land. No provision has been made by the county to insure a supply of milk or of eggs. There is not an adequate supply of either. "The inmates of our county home are as well fed as the average family in the county," declared a member of a board of county commissioners. I had been at his county home that morning at breakfast. The inmates had two slices of fat bacon fried, one spoonful of molasses, and three biscuits each. I suppose there must have been coffee, but I cannot remember it. This is in the finest diversified farming section in North Carolina.

MEDICAL CARE OF INMATES

Most of the counties have failed to make provision for anything approaching adequate medical attention for the inmates of their county homes. Our survey showed more than four hundred, or approximately one-fourth of the entire number, sick. A much larger number doubtless need medical attention. Many should be in regular medical hospitals. Paralysis, tuberculosis, gonorrhea, syphilis, and cancer are among the more serious ailments reported. Forty-one of eighty-three counties reporting on this item say that the doctor comes only when called. In forty-two he is supposed to make regular visits as well. In fifteen he comes less often than once a week; in twenty-one, once a week; and in five more often than once a week. Thirty-three counties report physical examination before admission. But examinations are often of the most perfunctory sort. Superintendents of county homes with little supervision buy and administer large quantities of drugs and nostrums. In several counties the bills for drugs assume astonishing proportions.

Usually there are no special facilities for the care of the sick. Very few of the homes have even a practical nurse. Hospital wards, equipped as such, are almost nonexistent. In the majority of the homes it is not possible adequately to segregate the sick from the well. There are cases of horrible neglect and of brutally crude methods of treatment. Usually the superintendent, or more often his wife, gives the sick such attention as he or she knows how to give, and as a multitude of other duties will permit.

Eighty-one counties made some report regarding the health of the inmates. Four hundred and thirty-three inmates were reported as able to do some work; 441 inmates as being chronically sick; 39 as having tuberculosis; 47 as suffering from venereal disease; 20 as wholly paralyzed and 132 as being partially paralyzed; 24 as suffering from cancer; 96 as partially or totally blind; 7 as deaf; and 33 as both deaf and dumb.

In forty-six counties the statements regarding physical diseases or defects were reported as based on the diagnosis of a reputable physician; in twenty-five cases as simply the opinion of those in charge of the homes or of the county superintendent of public welfare; fourteen reports did not state whether or not the answers were based on a physician's diagnosis. In six reports there was a question mark after the figures reporting tuberculosis; in seven reports there was a question mark after the figures given on venereal disease; and in some no figures were given at all in regard to these diseases, simply a question mark.

RECORDS

Section 1337, Consolidated Statutes, reads: "The keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and per capita expense per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday of December of each year."

No county in the State is keeping this record. Most of the county homes have some sort of record of the inmates, usually giving the name, the date of admission, and of discharge or death. A few counties have somewhat fuller records. Some have no records. No county, we believe, keeps a per capita cost account record, or a record of the amount and value of crops. Figures as to crops and crop values given in this report are mainly estimates by the superintendent. In cases where the superintendent was changed at the end of the preceding year and in some others it has been impossible to get any sort of figures. In making statements as to the cost of county homes, county officials commonly ignore the value of farm products used in the county home. In an audit recently made for Orange County by a State auditor the products of the county home farm do not appear.

DISTRICT HOSPITAL-HOMES

The number of inmates in many county homes is so small that it is not economical to maintain them in well-kept, modernly-equipped county homes. The ratio of paupers in proportion to the whole population is decreasing. The classes of inmates are such as to require a type of institution widely different from the old type of county home and a type of supervision greatly superior to the present type. The average county does not feel able to maintain an institution of the type needed. Many boards of county commissioners would not dare attempt to maintain a home of the type suggested in this bulletin—an institution that provides for the proper segregation of races and sexes; for the segregation of the various types of infectious diseases, and for adequate facilities for the care and treatment of the sick. In such a home there would be a superintendent who in general ability and intelligence would be the equal of the best of the courthouse officials. There would be a matron of the same high type, paid, of course, for her whole time. There would be one or more practical nurses. There would be a paid cook and such other helpers as might be necessary. There would be thorough medical attention and supervision by the county physician. This I believe is the

minimum. Three-fourths of the counties do not have enough paupers to warrant the maintenance of such a home. Three-fourths of the remaining fourth think they cannot afford it.

There are two possible solutions. The State might take over the problem of poor-relief and district its territory for the care of indoor paupers. If this solution were desirable within itself, there is little probability that the people would look with favor on it. The second possible solution is the districting of the State by the voluntary action of the counties.

The last biennial report of the State Board of Charities and Public Welfare points out that this is not a new idea in North Carolina, and discusses the proposition as follows:

"In 1915, Mr. J. J. Laughinghouse, of Pitt County, secured the passage of a law providing for such a district, composed of eleven counties in the northeastern part of the State—Beaufort, Chowan, Dare, Gates, Hertford, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington. This law provides that these counties shall jointly build and operate an institution to be known as 'Community Home Number One for the Aged and Infirm.' This home has not been built.

"There are objections to such a plan. The most frequently urged are the following: First, the district home would take some of the inmates a considerable distance from their homes, so that their friends could not easily visit them. Second, it would be a step toward further centralization of governmental powers, and away from local self-government. Third, the district home would cost more.

"The first objection seems, until it is studied rather carefully, more formidable than it really is. Except in rather rare cases the visits of friends may be dismissed, because such visits are rare enough to be negligible. These simple people, especially if they be old, often do feel a shock at being removed from the immediate neighborhood of their old homes; but in most cases, after the journey is taken, it probably would make little difference whether the new home were twenty or a hundred miles away.

"The second objection, translated into plain, every-day language, means that some fellow in the county may lose a job, or that a county office may lose some of its prestige. We need to learn that government is a business enterprise undertaken by a whole people. For the sake of convenience, economy, and efficiency, we have various units ranging from the school district to the whole State. Certain enterprises may be undertaken by the school district. Others may be more economically and efficiently done by the county. Others, such as the employment of a solicitor for the Superior Court, may require a group of counties. Still others need to be backed by the resources of the whole State. The government of the State, or of any one of the larger subdivisions of the State, may be just as much government by the people as the government of the county.

"The district home would cost more. This objection is hard to answer because we have little data upon which to base an intelligent discussion. It probably would cost some counties more—it certainly would, because they are not caring for their poor under present conditions. It would cost a number of counties less than they are now spending.

"Let us take the district proposed by Mr. Laughinghouse. If we add Camden, Currituck, and Hyde, the other three counties in the First Congressional District, we have a territory with a county home population, taking the average per month for last year, of 89. There are now 77. To care for 80 or 90 people the counties in the district are attempting to maintain twelve institutions. Two others are standing idle. The cost per month per inmate

last year varied from $14 in Pasquotank to $89 in Pitt. The average for the district was $38.65 per capita per month as compared with $23.30 for the State Hospital for the Insane at Raleigh. Only one county fell materially below the cost of the State Hospital. Eight went considerably above. Two more than doubled it, and one cost almost four times as much. For one county (Martin) we have been unable to obtain any figures.

"The counties of this district have invested in county homes a total of $157,627. Of this amount $71,867 is the total value of buildings. This leaves $85,760 as the total value of farms and farm equipment. The total cost of maintenance for eleven county homes in the district for the year ending November 30, 1921, was $37,011.57.

"Suppose these counties should decide to build one institution. They have property on which they should be able to realize at least $100,000 for the central plant. There would have to be some readjustment as to the proportions of the maintenance fund raised by the various counties, but with the total they could meet the following budget:

Superintendent	$ 2,500.00
Matron	1,500.00
Two practical nurses	2,500.00
Physician's services	1,500.00
Board, etc., at $20 per month per inmate	21,360.00
Miscellaneous	1,000.00
Surplus	6,651.57
Total	$ 37,011.57

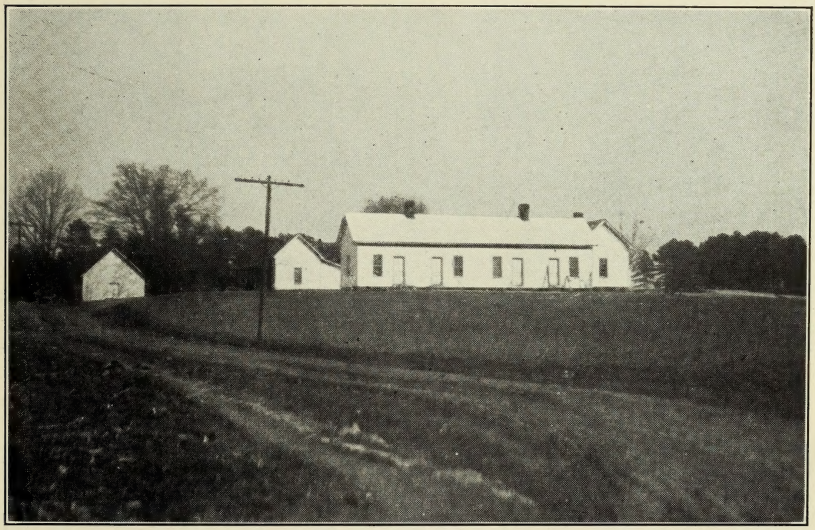
Present expenditure for maintenance of eleven county homes	$ 37,011.57

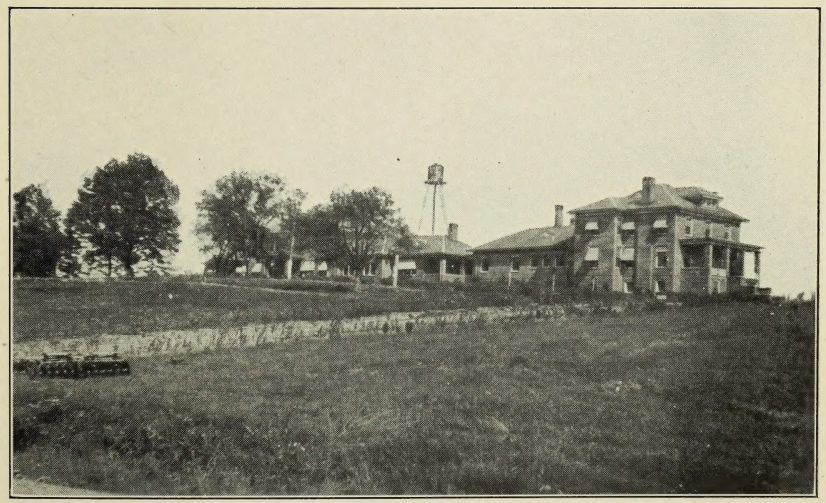
"In selecting a congressional district we do not intend to suggest that the congressional district furnishes the best unit for the district hospital home. The almshouse district should be geographically more compact. We mean merely to suggest that a small number of district homes of a creditable type may be operated at about the same cost as the present large number of county homes."

The Legislature at its 1923 regular session passed a law providing for the forming of districts and the building of district hospital-homes for the aged and infirm. So far no district has been formed under this law. Several counties have discussed the matter, but they have been unable to agree. Usually the trouble has been that the counties could not get together on the location of the institution. Local jealousies must be overcome and local pride sometimes violated if we are to make progress. The Legislature has made it possible for the small county to solve the problem of the county home by coöperation with its neighbors. The district home cannot be located in all of the counties of the district. It cannot be located on neutral ground, because there is no such ground. Concessions must be made. It is a challenge to the efficiency of county government. The law will be found near the end of this bulletin.

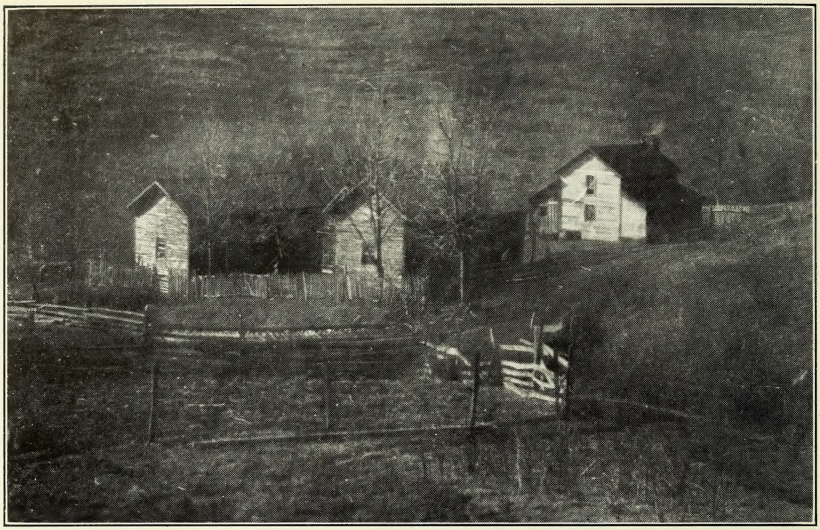
NEW COUNTY HOMES

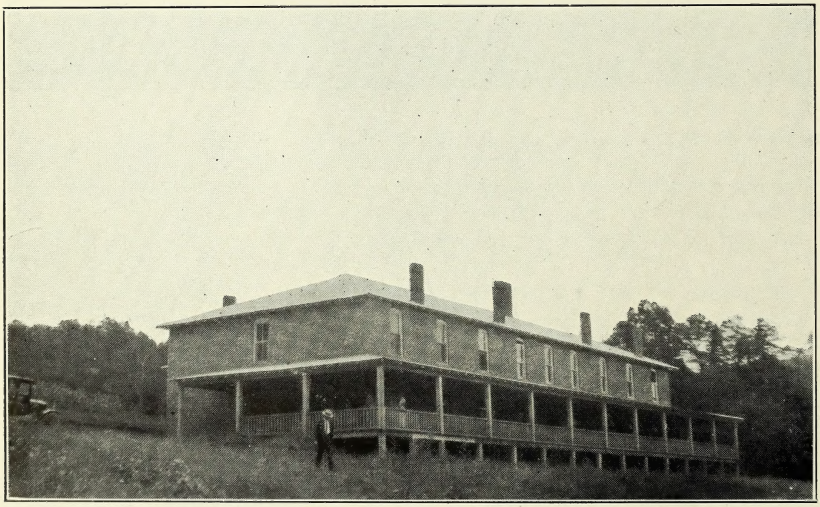
The following pages tell graphically the story of the progress in poor-relief as represented by new buildings for the last five years. Nearly all of these new homes have been built in accordance with plans approved by the State Board of Charities and Public Welfare.



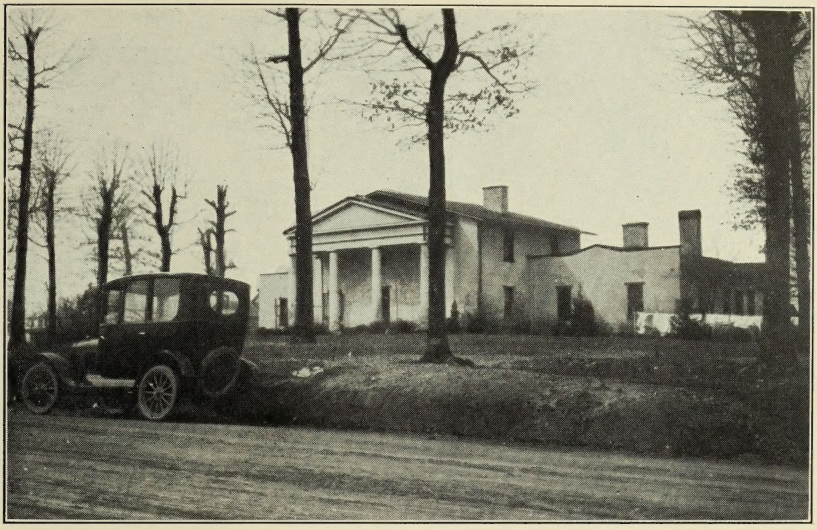


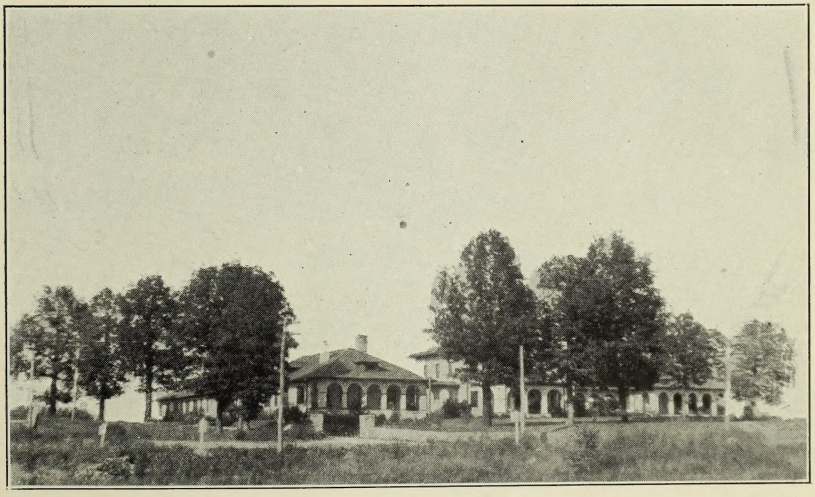
The first of the two pictures above represents the Stanly County home as it appeared in 1920. The second presents the new home as it appears today.





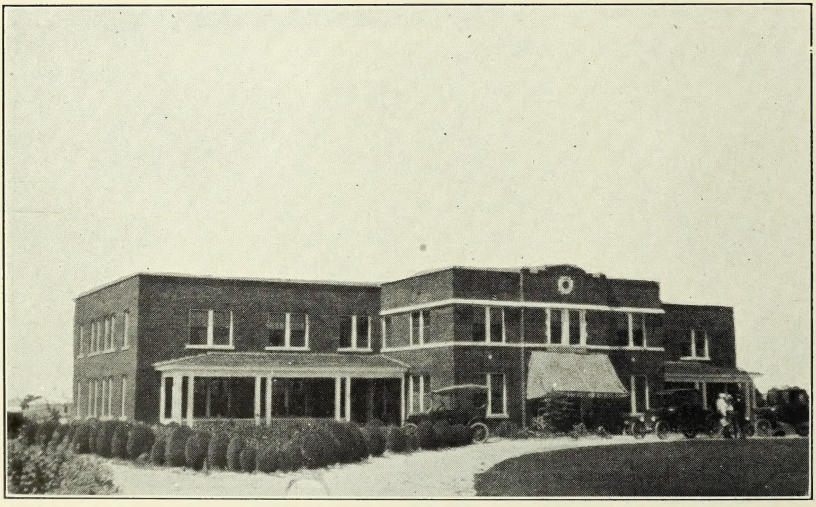
In 1920 this building took the place of the wretched shacks, shows in the first picture above, as Watauga's county home. It cares at the present time also for Avery County's poor, by special arrangement between the two counties. Watauga is one of the counties that still sells the keeping of the county home to the "lowest responsible bidder."



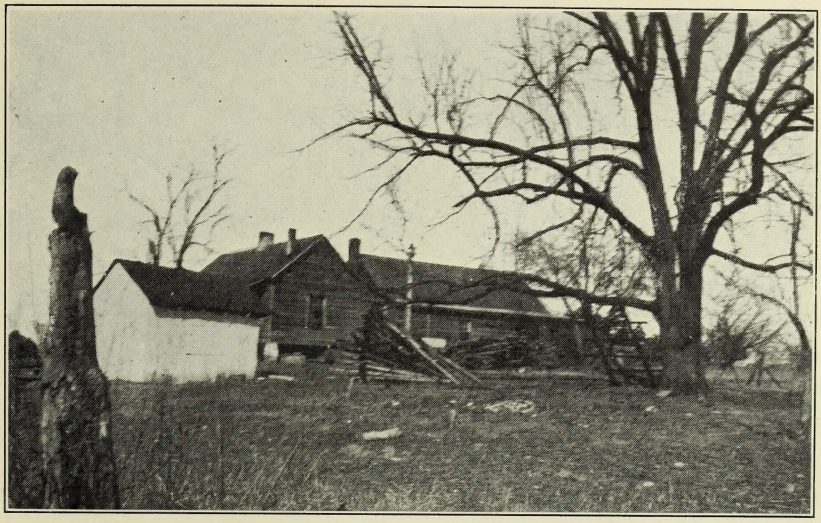


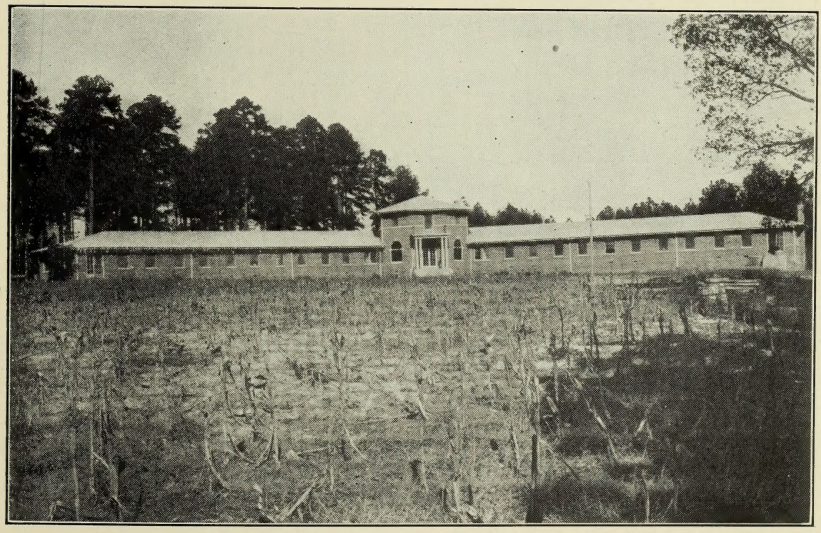
When Dr. William McDonald of the National Committee for Mental Hygiene visited a number of the county homes in the State in the early part of 1920, he reported conditions in the Guilford County home extremely bad. The report caused a storm of protest; but with her characteristic progressive spirit, Guilford County replied to the criticisms by erecting an up-to-date county home plant at a cost of one hundred and twenty thousand dollars. The old and the new homes are shown above.



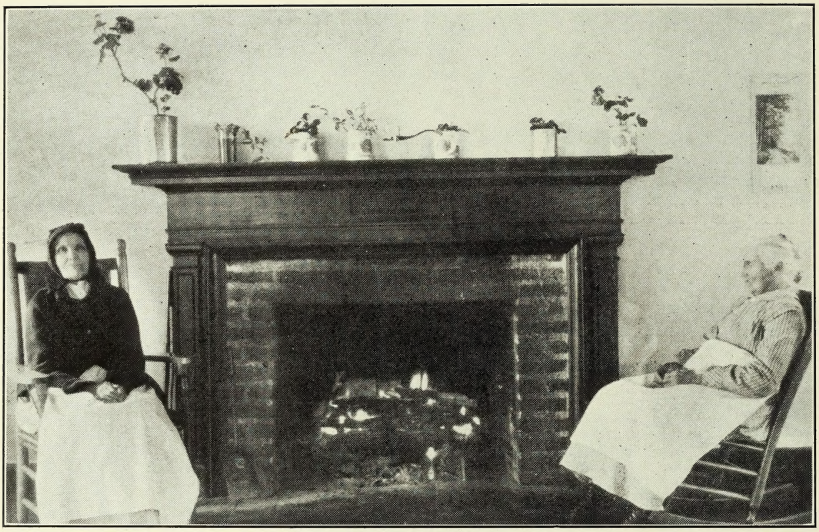


Above the Wilson County home in 1920. Below the new home as it appears today.

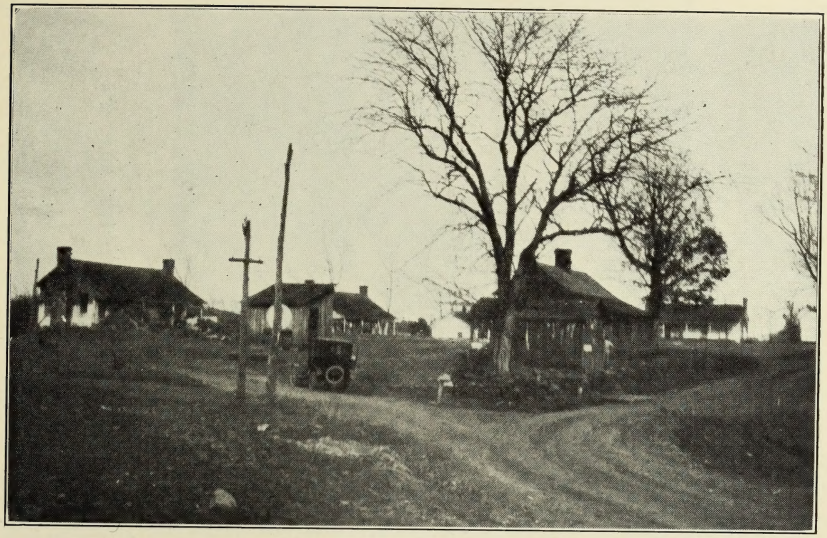


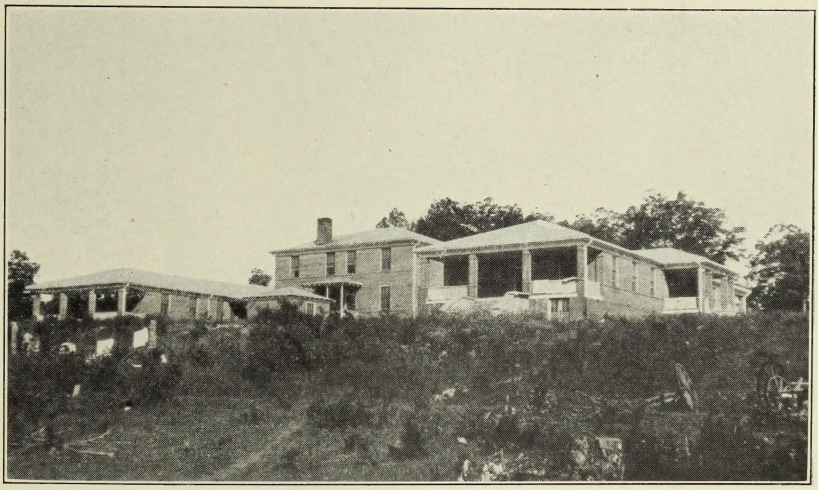


The first picture above is the Chatham County home as it appeared in 1920. The new home below was opened in 1922.

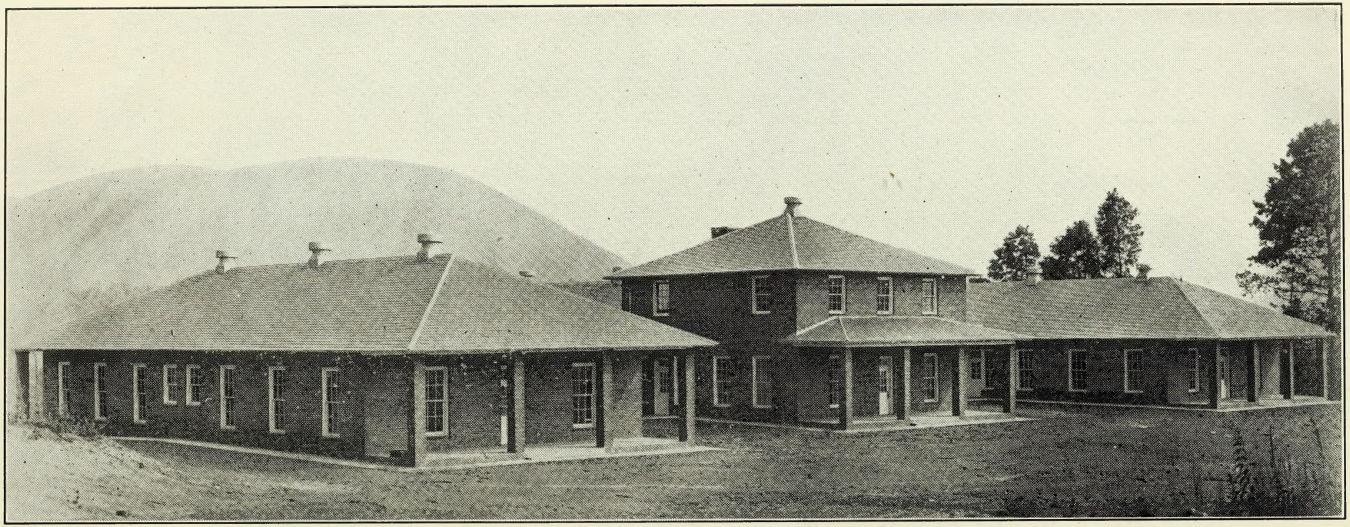


The Chatham County home has two comfortable living rooms for its inmates—one for whites and one for negroes—that are actually used. The fire was not built in order to have a picture made. The visitors who made it dropped in unannounced on an autumn day when it was barely cool enough for a fire to be comfortable. Two inmates are shown as they were dressed when the visitors arrived.





This new county home replaced the cheap wooden cottages above, in Randolph County, in 1921. Owing to the location, it was necessary to take the picture of the new home from the rear of the building.



CALDWELL COUNTY HOME
This building replaces a group of two-room wooden cottages. The new home was built in 1921 and 1922.

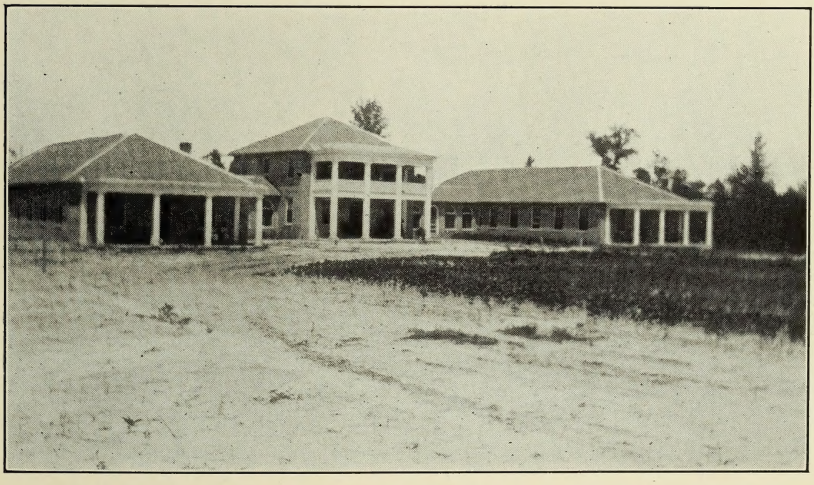


The new Burke County home, built in 1922, also replaced a group of cheap wooden cottages. It is, unfortunately, located off a main highway. The county should make it accessible by building a good road to it.

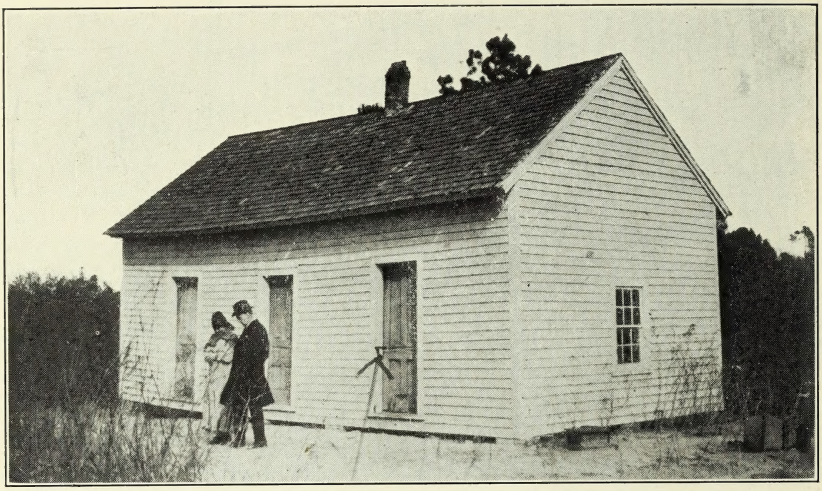


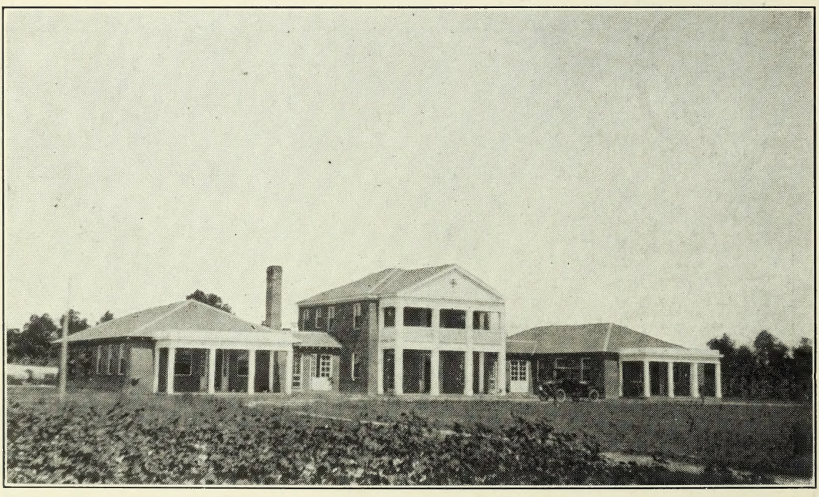
PERSON COUNTY HOME
Replaces group of small cottages, some of them logs. Was completed in 1922



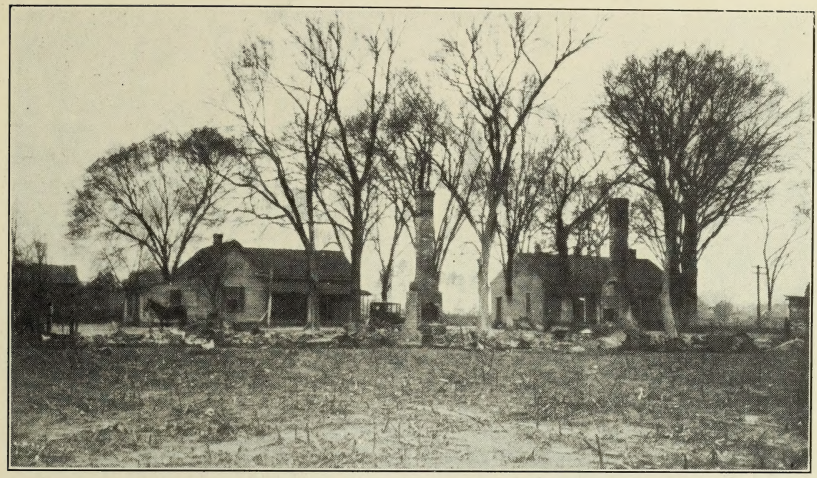


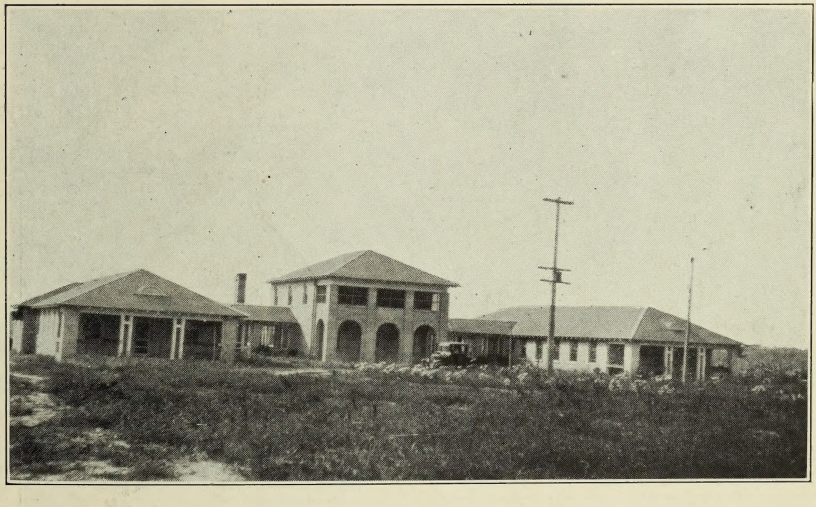
Two years ago the Halifax County home was as shown in the first picture. Her poor are now housed in the modern building shown in the second picture.



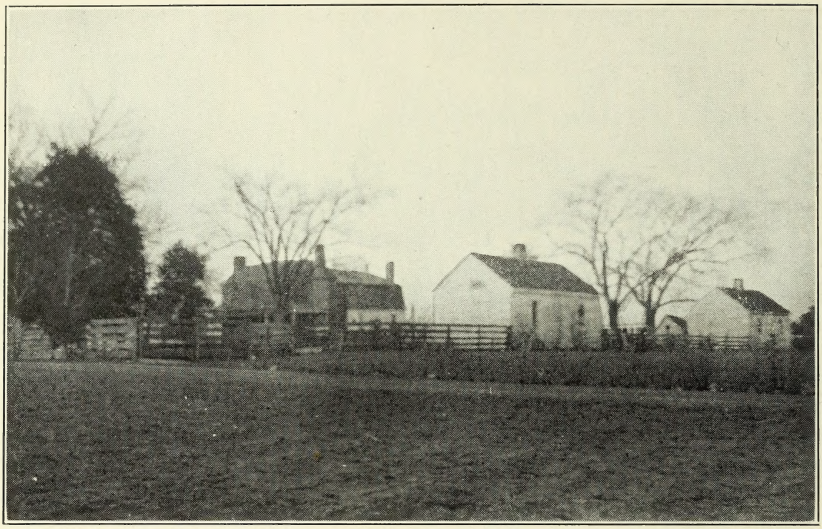


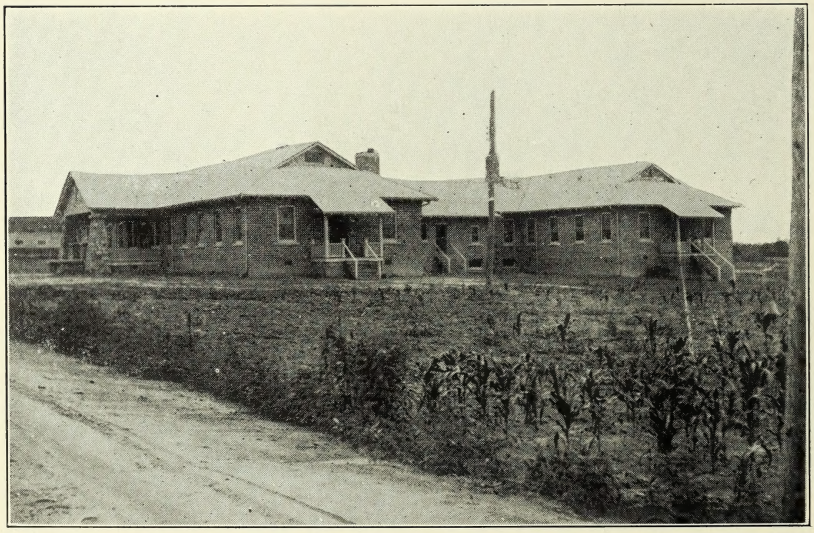
This is the new Johnston County home. This home replaced the cheap wooden cottages used for white inmates. The better of the old cottages are still used for the negroes. The new home was opened last year (1923). One of the cottages of the old home is shown.



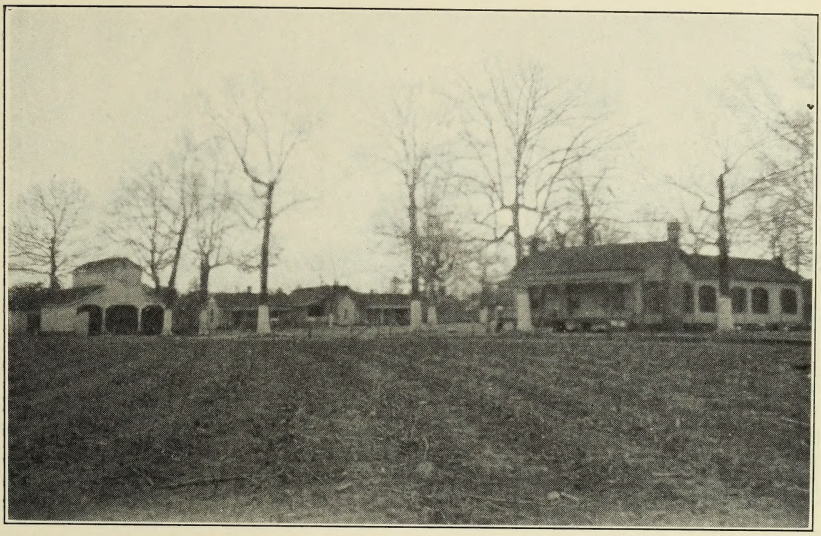


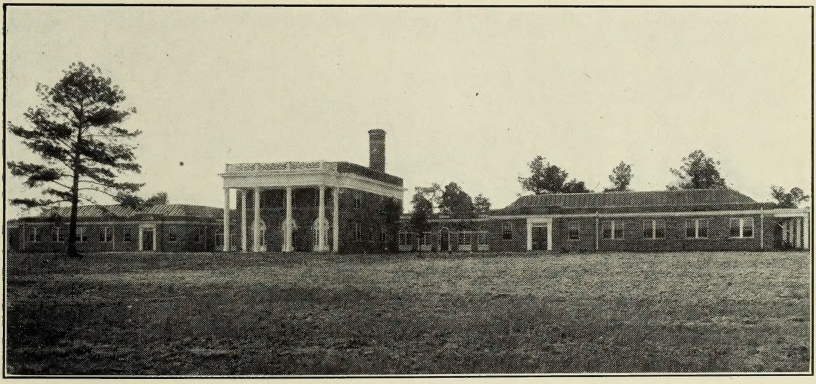
The first of the two pictures above shows the Wayne County home as it appeared February 29, 1920. It consisted of four small wooden buildings. A fifth was burned the night before the picture was made. Three insane negresses were burned to cinders with it. One of these, it is supposed, set fire to the building. The second picture shows the new county home built in 1922.



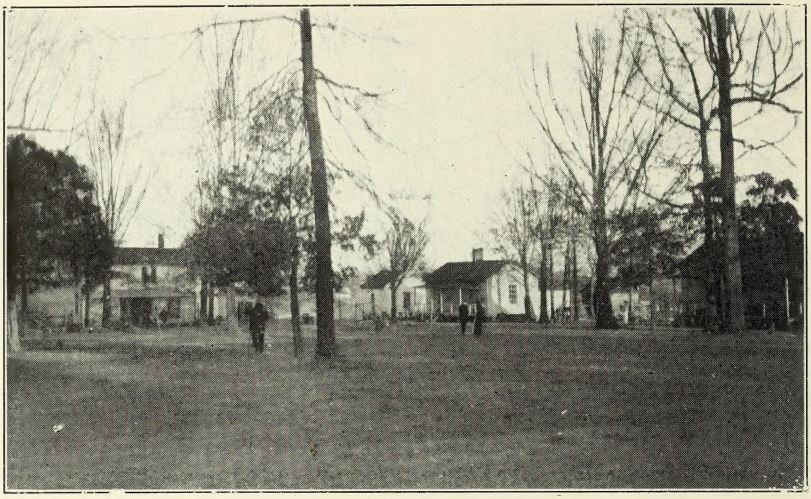


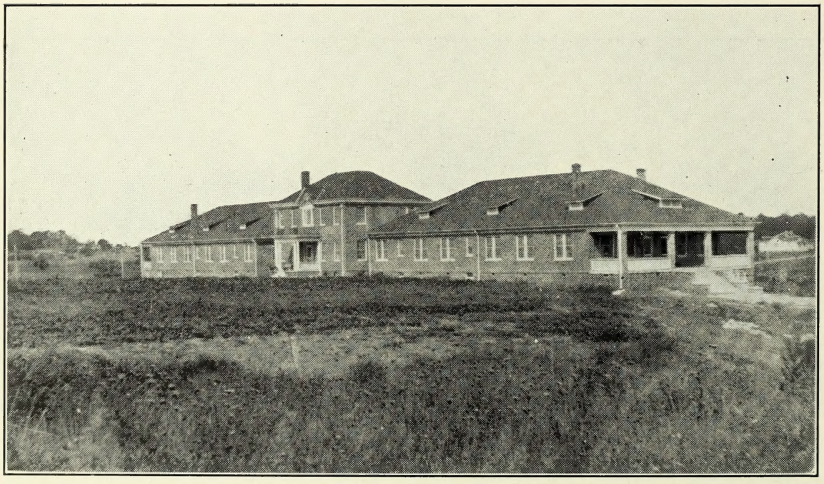
Perhaps no county has received so much for its money in building a county home as Vance. The attractive building shown above, with single rooms for all inmates, two large living rooms, two dining rooms, commodious kitchen, pantry and storage rooms, and all modern conveniences, cost thirty thousand dollars. It was adequately, comfortably, and attractively furnished throughout, under the supervision of the county superintendent of public welfare, at a cost of one thousand dollars. The first picture above shows the old home. The new home was completed last year. The frontispiece shows the front entrance.



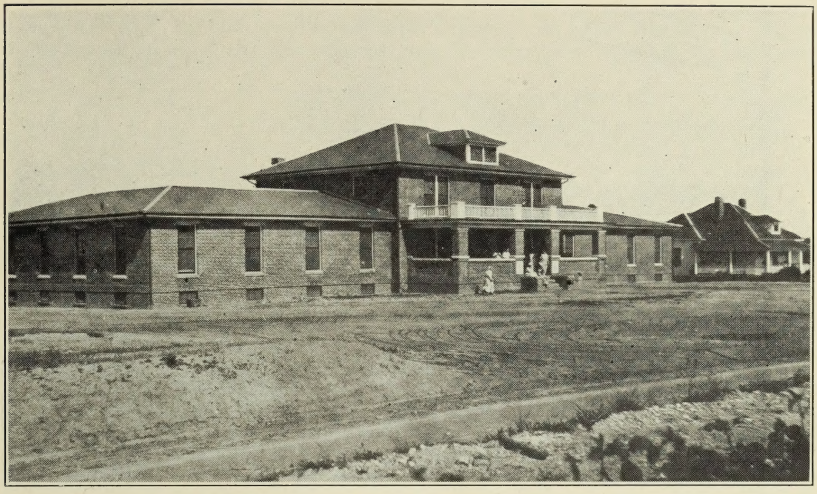


Two years ago Nash County sold the four-hundred-acre farm on which her county home was located and erected a new home at a cost of one hundred thousand dollars on the State highway between Nashville and Rocky Mount. The new home is modern in every respect, and is one of the three most costly plants in the State. Durham and Robeson also now have under construction buildings the cost of which will exceed one hundred thousand dollars. The old home, consisting of a group of wooden cottages without modern conveniences, is shown in the first picture.

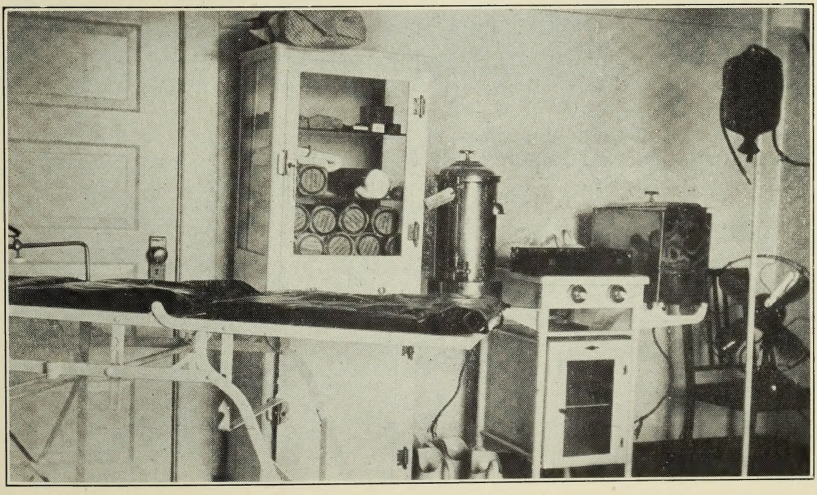




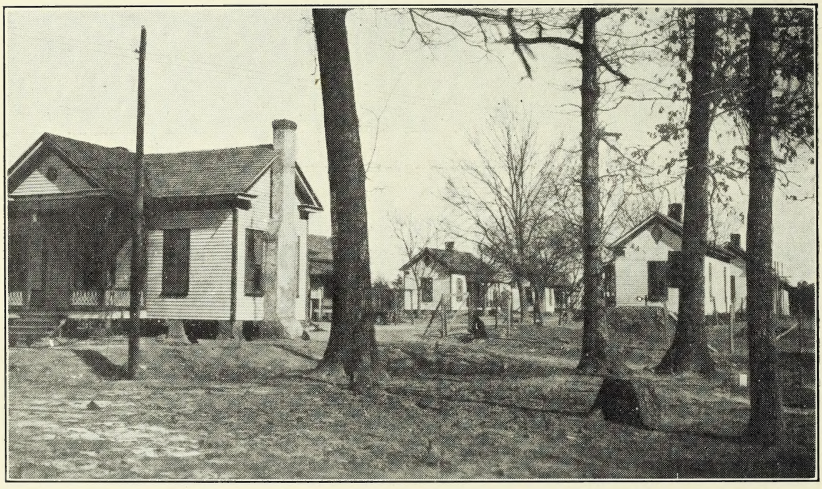
The Alamance County home shown in the first picture above was replaced in 1923 by the modern institution shown below. This building is of brick veneer.



This new county home in Rowan County replaced a group of very old cottages. In the building of the new home, the county superintendent of public welfare, Mrs. Mary O. Linton, has worked in coöperation with the board of county commissioners, and her name appears with theirs on the tablet in the wall. Due largely to her influence, this is one of the best equipped county homes in the State.

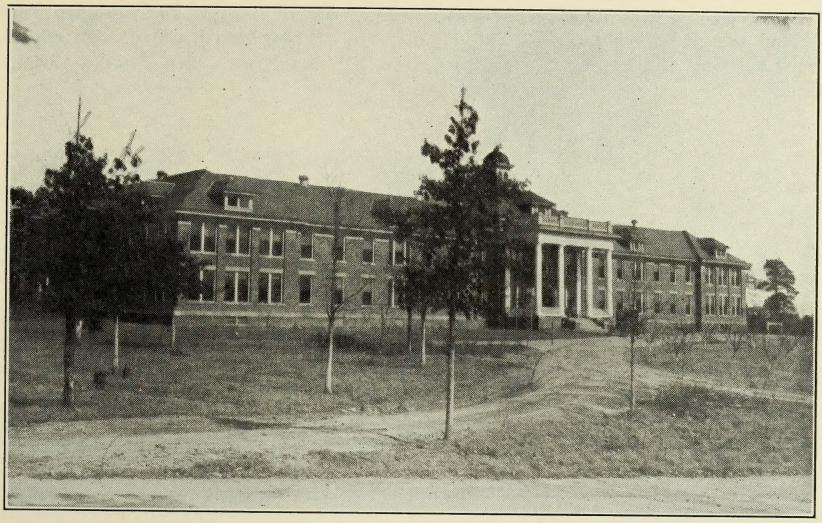


This picture shows a corner of the operating room in the Rowan County home.

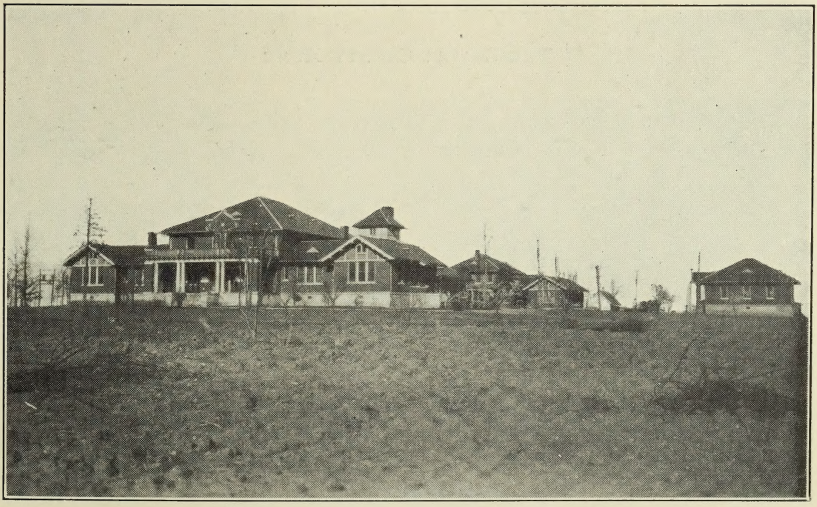


A modern building, in process of construction, to cost one hundred and seventy-five thousand dollars, will replace this county home in Robeson County.

The following group of buildings shows additional types of county homes. The Wake and Iredell homes illustrate types of excellent buildings, but are not so well planned for the care of sick and decrepit inmates as the newer



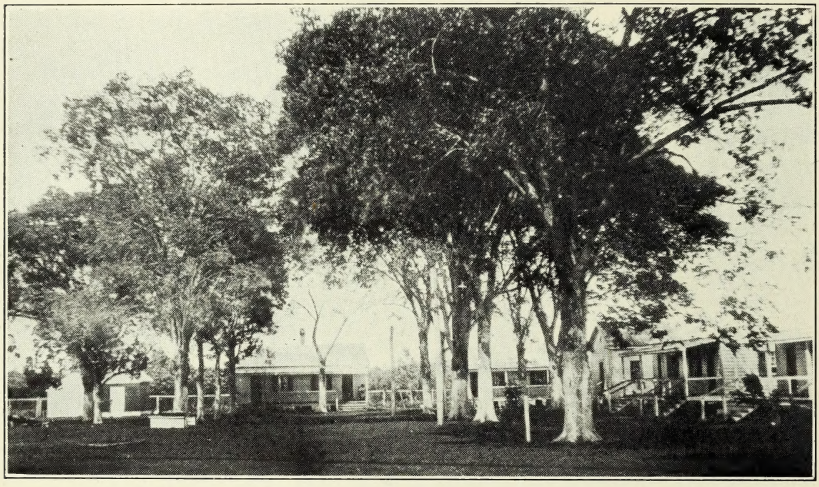
Wake County Hospital (County Home)



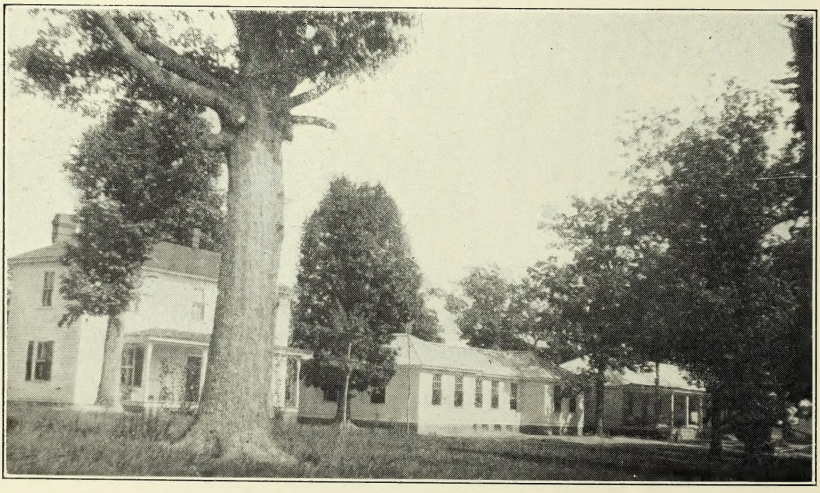
The Iredell County Home

institutions, such as Guilford, Nash, and Vance. Both the pictures shown here were made in 1920. The trees have grown since, giving each institution a more pleasing appearance, but making it more difficult to get a good picture. Craven is the best of the type with small two-room wooden cottages

in the State. This type is rapidly being replaced by the Nash and Vance types. The Granville home is of a slightly different type from the Craven institution. Here we have two wooden buildings of considerable size for inmates—one for white and one for colored. The two-story building is the superintendent's home. The writer recently had what was for him a unique experience at this home. He found both the county health officer and a minister visiting the home in their professional capacities. The Yadkin County home is the last of the log cottages in the State.

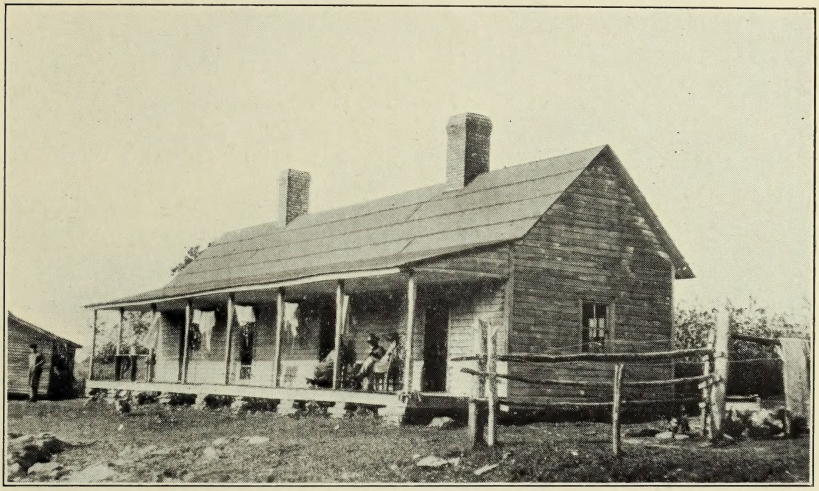


THE CRAVEN COUNTY HOME



THE GRANVILLE COUNTY HOME

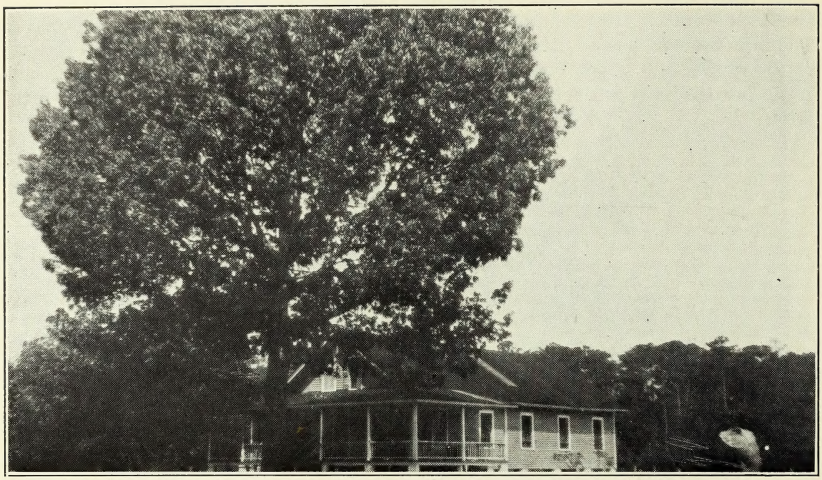
The Alleghany and Pamlico homes illustrate types of institutions that should not exist. The number of indoor poor in these counties, however, is so small that it seems unreasonable to demand the expenditure of money necessary for a modern institution. The Legislature has now provided that such counties may unite with other counties in building a district hospital-home.

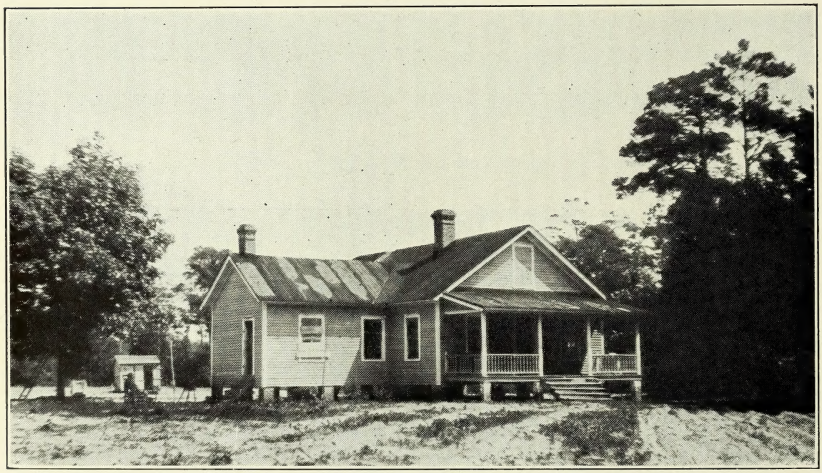


This cheap cottage represents the provision made by Alleghany County for her indoor poor.



Pamlico County Home



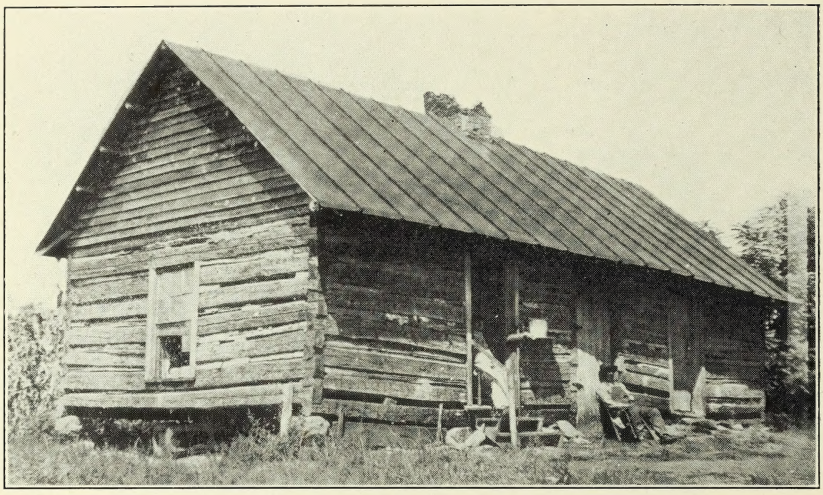


The buildings shown on this page constitute the Brunswick County home. It is not on a highway, but is reached over a trail through the sand that becomes impassable for a Ford in dry weather. A forest fire in the summer of 1924 burned so near that it caught in a mattress that was being aired on the balusters of the front porch.

NORTH CAROLINA
STATE LIBRARY



In the early summer of 1924, the negro shown above was the sole inmate of the Brunswick County home. For his keep the county was paying forty-three dollars per month besides furnishing the superintendent a house and a one-hundred-acre farm free of rent. Incomplete reports indicate that the average number of inmates for the last fifteen years has been about five. When the writer visited the county in 1923 there were none. In 1924 he found one. This county cannot afford to maintain a county home.



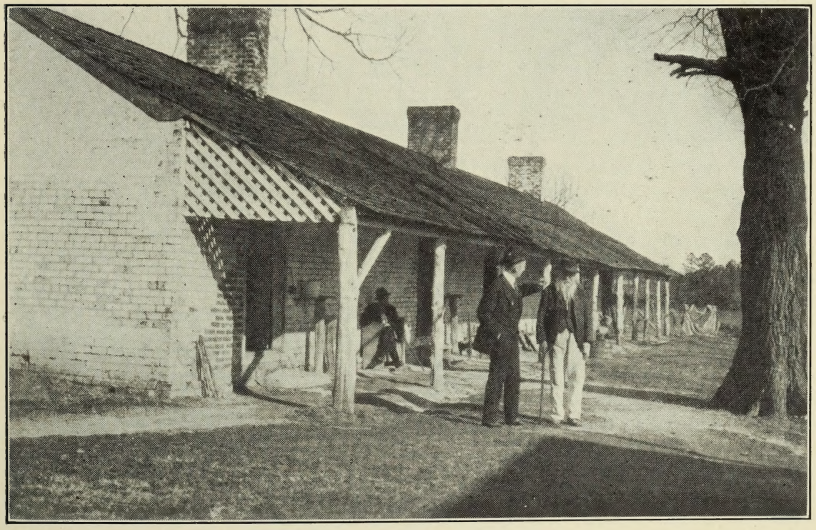
This is one of several log cabins that make up the county home in Yadkin County. This county is considering the building of a new home. It should be possible for it to join some of the adjoining counties in maintaining a district home.



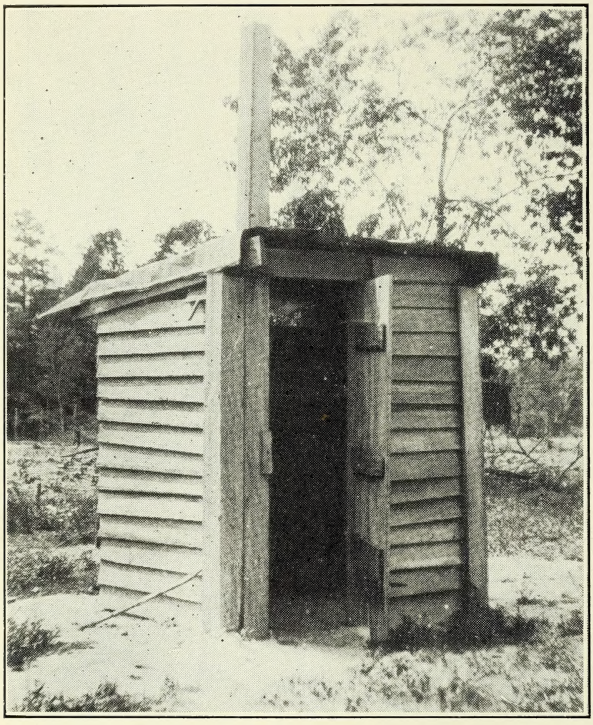
The only negro inmate of the Lenoir County home was burned to death early in the summer of this year (1924) when the building, the ruins of which are shown here, was burned. The building was lighted by kerosene lamps. The inmate, an old feeble woman, it is supposed accidentally upset one of these.



The Scotland County home farm pays a profit over all expenses of operating the home.

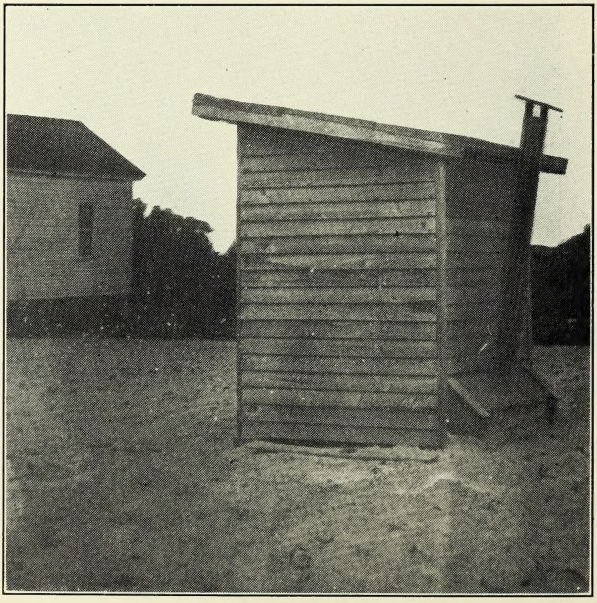


This building, one of two just alike which constitute the living quarters for the inmates of the Orange County home, has been in use just one hundred years.



This privy in daily use at the county home of one of the largest counties in the eastern part of the State is filthy beyond description. The ventilation shaft would suggest a sanitary pit type; but if there has ever been a pit, it has long since filled to overflowing. A number of this type are to be found in the State.

Contrast this inexpensive but sanitary privy built last year in another eastern county after a suggestion to the superintendent by a member of the staff of the State Board of Public Welfare. The pictures, unfortunately, cannot show the difference.



OUTDOOR RELIEF

It is the purpose here to discuss outdoor relief only in relation to the operation of the county home. The evils of the poor list are pretty well recognized. Until very recently there has been little or no effort to supervise the outdoor poor in this State. There have been no facilities for such supervision. The county commissioners at best could only listen to appeals for aid and use their best judgment, usually without investigation, as to whether aid should be given. Sometimes the appeal has been made on political grounds—the person applying for aid votes right; or a cross-roads merchant conceives the idea of getting some of a delinquent purchaser's bills paid. And sometimes this same cross-roads merchant forgets to report when his customer dies, and goes on drawing the pittance from the county. Sometimes a person in real need is placed on the poor list; the reason for aid ceases to exist, but he goes on drawing his monthly or quarterly allowance from the county. The amount paid has usually been very small—one to three dollars per month. The effect of such a system has been bad. It has tended not only to lower the standard of the administration of county government and to encourage petty graft, but at the same time to pauperize the one to whom the grant was made.

A few boards of county commissioners, recognizing the evils of the system, have abolished outdoor relief entirely and require all persons receiving aid from the county to go to the county home. A much larger number now require that all new cases be investigated by the county superintendent of public welfare, and aid is given only on his recommendation. A number of counties have had the superintendent also to check the entire list. Considerable numbers of those who are dead, who have moved to other counties or other States, or who no longer need help, have been dropped from the list. In one small county the saving thus effected amounted to several hundred dollars a year. In another county twenty-five were dropped within the first year after the matter was placed under the supervision of the superintendent of public welfare.

It is the opinion of the State Board of Charities and Public Welfare that it is unwise to require all persons receiving aid from the county to go to the county home. It is frequently more humane as well as economical to grant outside aid. There are conditions under which it is positively brutal to force an old person to choose between the county home and abject want. On the other hand, unsupervised outdoor relief is little better, often worse, than no aid. To be effective it must be carefully supervised. The aim should be to aid the pauper, in so far as is possible, to make an effort to support himself. In many cases, if we are not to continue to waste the money spent for this purpose, the amount given to the individual must be materially increased. Tables found elsewhere in this study show the cost of outdoor relief and the tax rate necessary to support this form of relief in the various counties of the State.

TAXATION FOR POOR RELIEF

Counties ranked from high to low on the basis of rate on $100 taxable property necessary to raise the amounts expended for the maintenance of the county home and for outdoor relief. The products of the county home farm used in the home are included. A few counties do not appear because it was impossible to secure the necessary figures from them. The figures are based upon reports for the year 1921. There would be a few marked changes today, but complete figures are not available.

1.	Avery	.083	47.	Graham	.027
2.	Carteret	.076	47.	Mitchell	.027
3.	Clay	.074	47.	Polk	.027
4.	Dare	.070	47.	Richmond	.027
5.	Jackson	.064	51.	Camden	.026
6.	Bertie	.055	51.	Catawba	.026
6.	Burke	.055	51.	Pitt	.026
8.	Caswell	.052	54.	Cleveland	.025
9.	Brunswick	.051	54.	Currituck	.025
10.	Wilkes	.050	54.	Davidson	.025
11.	Pamlico	.047	54.	Onslow	.025
12.	Yadkin	.046	54.	Stokes	.025
13.	Anson	.045	59.	Alleghany	.024
13.	Cabarrus	.045	59.	Wilson	.024
13.	Nash	.045	61.	Edgecombe	.023
16.	Lincoln	.044	61.	Henderson	.023
17.	Hyde	.043	61.	Pender	.023
17.	Orange	.043	61.	Rutherford	.023
17.	Warren	.043	65.	Gaston	.022
17.	Watauga	.043	66.	Swain	.021
21.	Columbus	.042	67.	Sampson	.020
22.	Person	.041	68.	Harnett	.019
22.	Robeson	.041	68.	Macon	.019
23.	Franklin	.040	68.	New Hanover	.019
24.	Iredell	.039	68.	Randolph	.019
24.	Surry	.039	72.	Stanly	.018
26.	Lee	.038	72.	Yancey	.018
26.	Pasquotank	.038	74.	Buncombe	.017
28.	Montgomery	.037	74.	Duplin	.017
29.	Cherokee	.036	74.	Johnston	.017
29.	Transylvania	.036	74.	Mecklenburg	.017
29.	Wake	.036	78.	Alamance	.016
32.	Ashe	.035	78.	Bladen	.016
32.	Madison	.035	78.	Greene	.016
34.	Gates	.034	81.	Halifax	.015
34.	Haywood	.034	82.	Wayne	.014
34.	Vance	.034	83.	Chowan	.013
37.	Cumberland	.033	84.	Forsyth	.011
37.	Rockingham	.033	84.	Rowan	.011
37.	Union	.033	86.	Craven	.010
40.	Hertford	.032	87.	Lenoir	.009
40.	Moore	.032	88.	Jones	.008
42.	Caldwell	.031	89.	Guilford	.006
43.	Granville	.030	89.	Washington	.006
44.	Davie	.029	91.	Hoke	.005
45.	Alexander	.028	92.	Scotland	.002
45.	Beaufort	.028	92.	Tyrrell	.002

TABLE II

TAX LEVY PER $100 NECESSARY TO RAISE AMOUNTS SPENT IN VARIOUS COUNTIES FOR POOR RELIEF FOR THE YEAR 1921

	County	County Home Exclusive of Farm Products Used in Home	County Home Including Farm Products Used in Home	Outdoor Relief	Total Poor Relief
1.	Alamance	.009	.013	.003	.016
2.	Alexander	.018	.025	.003	.028
3.	Alleghany	.013	.016	.007	.024
4.	Anson	.030	.043	.002	.045
5.	Ashe	.017	.023	.012	.035
6.	Avery	.072	.076	.007	.083
7.	Beaufort	.013	.021	.007	.028
8.	Bertie	.033	.050	.005	.055
9.	Bladen	.....	.....	.016	.016
10.	Brunswick	.025	.029	.022	.051
11.	Buncombe	.009	.011	.006	.017
12.	Burke	.022	.027	.028	.055
13.	Cabarrus	.030	.039	.006	.045
14.	Caldwell	.012	.022	.009	.031
15.	Camden	.013	.013	.013	.026
16.	Carteret	.051	.062	.014	.076
17.	Caswell	.036	.042	.010	.052
18.	Catawba	.014	.024	.002	.026
19.	Chatham	.....	.....	.....	.....
20.	Cherokee	.013	.013	.023	.036
21.	Chowan	.009	.011	.002	.013
22.	Clay	.....	.....	.074	.074
23.	Cleveland	.017	.021	.004	.025
24.	Columbus	.012	.021	.021	.042
25.	Craven	.009	.....	.001	.010
26.	Cumberland	.022	.024	.009	.033
27.	Currituck	.005	.....	.020	.025
28.	Dare	.....	.....	.070	.070
29.	Davidson	.011	.018	.007	.025
30.	Davie	.014	.018	.011	.029
31.	Duplin	.010	.012	.005	.017
32.	Durham	.008	.....	.002	.....
33.	Edgecombe	.007	.016	.007	.023
34.	Forsyth	.007	.008	.003	.011
35.	Franklin	.013	.031	.009	.040
36.	Gaston	.014	.020	.002	.022
37.	Gates	.020	.032	.002	.034
38.	Graham	.....	.....	.027	.027
39.	Granville	.015	.025	.005	.030
40.	Greene	.011	.011	.005	.016
41.	Guilford	.003	.004	.002	.006
42.	Halifax	.012	.014	.001	.015
43.	Harnett	.008	.008	.011	.019
44.	Haywood	.010	.026	.008	.034
45.	Henderson	.014	.020	.003	.023
46.	Hertford	.022	.032	.....	.032
47.	Hoke	.....	.....	.005	.005
48.	Hyde	.016	.017	.026	.043
49.	Iredell	.021	.034	.005	.039
50.	Jackson	.023	.034	.030	.064
51.	Johnston	.005	.012	.005	.017
52.	Jones	.....	.....	.008	.008

TABLE II—CONTINUED

COUNTY	County Home Exclusive of FarmProducts Used in Home	County Home Including Farm Products Used in Home	Outdoor Relief	Total Poor Relief
53. Lee	.028	.033	.005	.038
54. Lenoir	.009	.....	.0003	.0093
55. Lincoln	.024	.029	.015	.044
56. McDowell	.012	.....	.007	.....
57. Macon	.013	.019	.....	.019
58. Madison	.030	.032	.003	.035
59. Martin	.007	.....	.011	.....
60. Mecklenburg	.011	.014	.003	.017
61. Mitchell	.007	.021	.006	.027
62. Montgomery	.013	.023	.014	.037
63. Moore	.009	.020	.012	.032
64. Nash	.028	.042	.003	.045
65. New Hanover	.009	.016	.003	.019
66. Northampton	.....	.....	.....	.....
67. Onslow	.....	.....	.025	.025
68. Orange	.032	.038	.005	.043
69. Pamlico	.032	.....	.015	.047
70. Pasquotank	.022	.....	.016	.038
71. Pender	.005	.....	.018	.023
72. Perquimans	.024	.....	.019	.....
73. Person	.020	.034	.007	.041
74. Pitt	.015	.024	.002	.026
75. Polk	.016	.....	.011	.027
76. Randolph	.007	.012	.007	.019
77. Richmond	.018	.021	.006	.027
78. Robeson	.016	.....	.025	.041
79. Rockingham	.017	.026	.007	.033
80. Rowan	.005	.007	.004	.011
81. Rutherford	.014	.020	.003	.023
82. Sampson	.008	.014	.006	.020
83. Scotland	.0004	.0004	.002	.0024
84. Stanly	.008	.014	.004	.018
85. Stokes	.012	.022	.003	.025
86. Surry	.019	.029	.010	.039
87. Swain	.015	.021	.....	.021
88. Transylvania	.023	.024	.012	.036
89. Tyrrell	.....	.....	.002	.002
90. Union	.009	.025	.008	.033
91. Vance	.022	.028	.006	.034
92. Wake	.019	.033	.003	.036
93. Warren	.023	.043	.....	.043
94. Washington	.006	.....	.....	.006
95. Watauga	.024	.032	.011	.043
96. Wayne	.005	.007	.007	.014
97. Wilkes	.024	.049	.001	.050
98. Wilson	.015	.018	.006	.024
99. Yadkin	.031	.041	.005	.046
100. Yancey	.006	.012	.006	.018

TABLE III

The table below gives the average number of inmates per day in county homes in the various counties in the State for the years 1921, 1922, and 1923, and the cost of maintaining the homes for these years, exclusive of farm products produced on county home farms and used in the homes.

COUNTY	1921		1922		1923	
	No.	Cost	No.	Cost	No.	Cost
Alamance	18	$ 2,876.29	12	$ 3,046.65	22	$ 3,418.10
Alexander	14	1,414.71	14	985.00	12	3,013.20
Alleghany	6	870.00	5	1,000.00	5	1,200.00
Anson	19	6,723.76	17	2,434.80	20	4,260.28
Ashe	11	2,214.11	....	2,345.00	....	1,791.47
Avery	7	4,184.46	9	1,858.10	8	878.01
Beaufort	9	6,000.00	12	4,500.00	13	3,939.00
Bertie*	22	5,150.00	24	257.00	22	1,495.58
Bladen (No Home)	....	.....	....	.....	....	.....
Brunswick	8	2,562.08	4	1,978.23	1	1,244.73
Buncombe	32	8,171.62	50	13,045.80	40	11,936.66
Burke	22	3,210.81	....	.....	23	4,059.50
Cabarrus	50	12,200.00	55	19,128.62	47	6,992.22
Caldwell	13	2,058.30	15	2,136.86	15	2,089.10
Camden	1	500.00	2	174.61	2	319.52
Carteret	15	6,977.13	15	6,133.83	13	3,938.61
Caswell	5	3,325.64	8	2,253.54	10	500.00
Catawba	25	3,453.14	15	1,200.00	20	1,772.65
Chatham	....	.....	....	.....	13	5,842.47
Cherokee	8	1,144.97	8	960.00	8	890.32
Chowan	5	963.82	5	1,000.00	....	871.34
Clay	....	.....	5	1,200.00	2	600.00
Cleveland	24	6,168.25	18	1,620.00	17	3,365.00
Columbus	13	2,750.00	9	4,233.57	9	5,408.71
Craven	12	2,888.13	....	.....	....	2,384.65
Cumberland	18	6,772.16	20	6,275.33	20	7,422.98
Currituck	1	260.20	1	216.00	1	200.00
Dare (No Home)	....	.....	....	.....	....	.....
Davidson	21	3,781.00	24	5,910.40	21	4,071.27
Davie	9	1,800.00	6	2,460.00	8	2,400.00
Duplin	11	2,820.00	6	4,000.00	6	4,000.00
Durham	37	7,885.06	32	6,945.55	38	6,891.15
Edgecombe	31	2,421.44	32	2,721.21	31	4,941.23
Forsyth	65	9,520.66	55	9,627.08	57	10,424.22
Franklin	22	2,100.00	....	.....	22	5,953.29
Gaston	30	9,448.37	....	.....	38	6,968.57
Gates	3	1,500.00	5	1,124.19	5	1,280.46
Graham (No Home)	....	.....	....	.....	....	.....
Granville	27	5,867.00	22	2,210.00	22	5,376.72
Greene	....	.....	3	1,200.00	3	1,200.00
Guilford	27	4,529.97	....	.....	66	9,854.75
Halifax	27	4,511.00	....	4,747.58	25	11,455.43
Harnett	5	1,887.82	5	1,160.11	3	2,316.43
Haywood	28	2,040.00	23	2,000.00	25	2,000.00
Henderson	5	2,267.40	14	3,042.12	8	1,838.56
Hertford	11	2,427.28	12	2,460.28	15	2,337.41
Hoke (No Home)	....	.....	....	.....	....	.....
Hyde	4	1,293.47	4	1,000.00	5	1,373.73
Iredell	55	9,153.55	45	6,843.50	45	8,744.01
Jackson	7	2,394.00	12	2,578.00	12	2,500.00

*Bertie County home is supported largely by the county home farm which is worked by the county prisoners.

TABLE III—CONTINUED

COUNTY	1921		1922		1923	
	No.	Cost	No.	Cost	No.	Cost
Johnston	14	2,450.00	20	3,358.63	17	2,837.29
Jones (No Home)	....	.....	....	.....	....	.....
Lee	21	3,035.00	18	3,132.41	....	4,741.75
Lenoir	9	2,881.22	8	2,400.00	8	2,100.00
Lincoln	14	3,831.82	36	1,881.38	18	4,442.55
McDowell	....	2,237.86	10	1,900.00	11	1,418.29
Macon	9	864.00	....	.....	9	1,097.12
Madison	17	3,086.25	15	1,728.00	16	2,774.65
Martin	....	1,200.00	9	2,000 00	10	2,122.00
Mecklenburg	67	13,317.47	56	11,000.00	57	11,500.00
Mitchell	6	760.00	....	961.43	6	930.34
Montgomery	10	2,173.95	18	4,888.00	17	4,890 00
Moore	12	2,400.00	18	6,297.21	19	6,298.81
Nash	36	12,673.80	22	11,844.09	25	14,164.08
New Hanover	40	10,615.69	33	10,603.46	38	11,588.22
Northampton	....	.....	18	2,400.00	16	2,242.87
Onslow (No Home)	....	.....	....	.....	....	.....
Orange	9	4,908.78	10	1,700.00	8	2,800.00
Pamlico	6	1,763.02	6	1,953.03	6	1,740.26
Pasquotank	26	3,900.23	19	3,598.61	21	3,522.29
Pender	1	550.96	....	.....	....	.....
Perquimans	9	1,654.81	7	1,798.51	7	1,425.98
Person	11	3,393.17	14	4,250.00	14	3,000.00
Pitt	12	8,863 22	....	.....	14	10,922.82
Polk	4	1,100.00	4	1,506.04	....	2,496.27
Randolph	4	1,500.00	20	3,715.88	24	3,339.01
Richmond	20	5,590.00	24	5,363.68	....	8,431.37
Robeson	12	7,030.30	15	3,600.00	15	5,000.00
Rockingham	35	7,485.00	....	.....	36	7,593.34
Rowan	14	2,450.00	13	3,900 00	....	4,762.20
Rutherford	23	3,975.05	38	4,441.86	38	6,515.77
Sampson	23	3,142.00	20	2,970.78	20	3,496.87
Scotland†	3	.....	....	.....	4	.....
Stanly	20	2,500.00	40	6,361.78	....	6,316.42
Stokes	16	1,640.44	14	1,665.07	13	1,630.56
Surry	25	4,853.09	30	2,724.69	33	3,436.73
Swain	8	1,860.00	7	.....	9	1,525.00
Transylvania	6	1,850.00	7	350.00	7	300.00
Tyrrell (No Home)	....	.....	....	.....	....	.....
Union	42	2,270.00	41	27,376.17	46	7,991.45
Vance	14	5,247.36	18	4,200.00	15	5,200.00
Wake	114	16,570.00	119	31,021.44	121	31,100.80
Warren	17	3,681.53	....	2,701.45	17	3,887.80
Washington	3	600.00	6	964.20	....	.....
Watauga	14	2,289.50	....	.....	17	2,253.22
Wayne	16	2,753.24	10	4,404.76	15	8,688.79
Wilkes	32	3,739.40	....	4,500 00	....	3,828.56
Wilson	15	7,001.36	20	9,926.00	26	8,799.80
Yadkin	13	2,952.82	11	1,800.00	14	1,344.00
Yancey	3	690.00	3	630.28	4	1,048.39
Totals	1,603	$366,400.47	1,376	$339,387.40	1,605	$401,797.10

†In 1923, the Scotland County home farm turned into the county treasury a surplus of $180. This does not mean that either the home or the farm is a model in management. Scotland is contemplating the building of a new home. The present one is very poor.

TABLE III—CONTINUED

COUNTY	1921		1922		1923	
	No.	Cost	No.	Cost	No.	Cost
Estimated corrections on account of counties failing to report	30	5,500.00	280	44,800.00	170	1,000.00
Totals, corrected in accord with these estimates	1,633	$371,900.47	1,656	$384,187.40	1,775	$402,797.10
Adding value of farm products reported used in homes in 1921 and estimating on basis of 1921 survey for 1922 and 1923, we have Grand Total	....	$584,000.00	....	$597,000.00	....	$616,000.00

TABLE IV

The following table gives the amounts spent for outdoor relief in the various counties for the last three fiscal years.

COUNTY	1921	1922	1923
Alamance	$ 1,080.30	$ 1,355.64	$ 1,335.44
Alexander	180.00	500.00	1,130.00
Alleghany	500.00	600.00	900.00
Anson	365.15	1,492.75	1,315.45
Ashe	1,591.32	1,533.06	1,525.64
Avery	417.48	.....	50.80
Beaufort	2,100.00	2,500.00	2,500.00
Bertie	762.00	863.00	1,066.00
Bladen	2,606.00	2,573.21	2,622.35
Brunswick	2,205.00	2,482.50	3,170.00
Buncombe	5,270.13	.....	4,168.73
Burke	1,167.11	3,301.17	2,105.25
Cabarrus	2,500.00	3,558.00	3,332.00
Caldwell	1,624.00	2,000.00	2,053.50
Camden	500.00	660.00	530.00
Carteret	2,210.00	3,290.52	2,728.23
Caswell	960.00	978.22	682.00
Catawba	802.00	783.00	753.00
Chatham	.....	.....	2,135.84
Cherokee	1,933.28	2,878.66	2,123.85
Chowan	167.00	200.00	284.00
Clay	1,890.00	.....	.....
Cleveland	1,466.43	1,689.00	1,613.00
Columbus	4,500.00	4,667.73	4,659.50
Craven	68.85	.....	236.00
Cumberland	2,628.23	3,998.77	6,053.76
Currituck	1,162.00	1,000.00	1,200.00
Dare	1,788.00	2,160.00	2,127.18
Davidson	2,280.00	2,305.00	2,211.00
Davie	1,278.00	1,080.00	1,080.00
Duplin	1,776.00	3,000.00	3,000.00
Durham	2,000.00	5,186.47	6,200.00
Edgecombe	2,408.78	2,229.02	1,836.00
Forsyth	1,332.00	396.00	2,302.87
Franklin	1,400.00	.....	2,605.88
Gaston	1,800.00	.....	1,948.01
Gates	225.00	240.00	477.22
Graham	1,464.00	1,380.00	1,560.00
Granville	813.50	1,675.00	802.50
Greene	678.00	816.01	1,307.00
Guilford	2,350.04	.....	2,246.53
Halifax	300.00	1,250.00	250.00
Harnett	2,733.00	2,316.43	2,623.50
Haywood	1,380.00	.....	1,440.00
Henderson	366.00	450.00	1,573.35
Hertford	.....	36.00	98.00
Hoke	555.00	628.00	710.00
Hyde	2,010.00	2,400.00	2,158.83
Iredell	2,348.48	1,425.42	1,900.00
Jackson	2,807.25	2,400.00	2,500.00
Johnston	2,450.00	1,883.33	1,703.00
Jones	675.50	750.00	850.00
Lee	550.00	1,450.00	1,605.02
Lenoir	109.00	150.00	300.00
Lincoln	2,348.45	1,662.10	2,004.00

TABLE IV—CONTINUED

COUNTY	1921	1922	1923
McDowell	1,556.50	1,549.32	1,982.94
Macon	.....	.....	1,400.72
Madison	324.00	680.00	564.90
Martin	2,000.00	2,000.00	2,016.00
Mecklenburg	3,904.00	3,023.85	3,208.25
Mitchell	600.00	437.05	504.20
Montgomery	2,336.75	711.00	852.00
Moore	2,499.87	2,748.36	3,050.00
Nash	852.63	940.50	1,644.27
New Hanover	3,900.00	6,396.89	8,196.89
Northampton	.....	704.00	781.34
Onslow	3,000.00	2,311.70	2,791.00
Orange	765.13	225.00	750.00
Pamlico	870.00	1,163.00	884.54
Pasquotank	2,068.60	2,372.95	2,292.88
Pender	1,891.38	2,234.18	2,538.26
Perquimans	909.00	1,018.00	1,086.00
Person	1,285.00	983.50	1,000.00
Pitt	1,441.10	.....	3,131.22
Polk	800.00	60.00	75.00
Randolph	1,440.00	.....	2,884.81
Richmond	2,000.00	1,490.00	1,421.52
Robeson	11,250.00	12,500.00	12,000.00
Rockingham	3,200.00	.....	1,679.93
Rowan	1,805.00	2,359.00	2,185.08
Rutherford	800.00	1,213.07	3,608.21
Sampson	1,554.13	1,204.76	1,319.25
Scotland	484.00	639.00	716.00
Stanly	1,400.00	1,382.83	2,513.72
Stokes	413.00	482.50	649.00
Surry	2,435.01	2,770.29	1,710.20
Swain	.....	.....	2,147.00
Transylvania	1,000.00	800.00	1,000.00
Tyrrell	138.00	.....	906.00
Union	2,258.50	4,596.50	5,895.02
Vance	1,244.72	1,377.25	1,620.00
Wake	2,107.00	2,167.00	2,190.00
Warren	.....	120.00	160.00
Washington	.....	750.00	.....
Watauga	1,000.00	.....	1,477.50
Wayne	3,532.23	4,656.55	4,780.42
Wilkes	200.00	1,000.00	332.00
Wilson	2,870.72	3,512.32	3,573.48
Yadkin	432.00	600.00	400.00
Yancey	603.05	728.30	619.90
Totals	$154,053.60	$153,594.18	$193,837.68
Estimated corrections, on account of counties failing to report	$ 2,700.00	$ 21,500.00	$ 1,750.00
Totals corrected in accord with these estimates	$156,753.60	$175,094.18	$195,587.68

PER CAPITA COSTS

The per capita costs given in the following table are based on the survey made in 1922 and, therefore, on figures for the year 1921. Reports on amounts paid from the county treasuries for the years 1922 and 1923 indicate that the per capita cost has increased for the last two years as compared with the year preceding in sixteen counties, and that it has decreased in eighteen counties. In the other counties there has been no appreciable change. In the counties that have built new homes and have occupied them long enough to indicate the effect of such improvements as reflected in per capita costs of operating, two show appreciable increases; two, corresponding decreases; and two no effect. Only one shows a marked increase in the number of inmates.

In estimating the per capita cost no account has been taken of depreciation of buildings or of excess of interest in investment over products of the farm. If these are added, the per capita cost in many instances will be appreciably increased. Excluding these, the costs in many counties are too high. Twenty-five dollars per month is a big price to pay for the sort of care the inmates of even the better county homes are getting. Yet the per capita cost per month in forty-eight county homes is more than twenty-five dollars per month. Nine homes have a per capita cost of between thirty and forty dollars; eleven, between forty and fifty dollars; and five, over fifty dollars. The highest cost is eighty-seven dollars and fifty-one cents ($87.51) per capita per month. For such a sum the inmates should have hospital care.

TABLE V

PER CAPITA COST PER MONTH OF MAINTENANCE OF COUNTY HOME

Alamance	$ 20.45	Dare	.....
Alexander	11.99	Davidson	23.77
Alleghany	14.86	Davie	20.65
Anson	29.22	Duplin	25.50
Ashe	26.74	Durham	.....
Avery	49.57	Edgecombe	14.40
Beaufort	60.18	Forsyth	16.40
Bertie	29.87	Franklin	19.19
Bladen	.....	Gaston	36.97
Brunswick	30.02	Gates	49.37
Buncombe	27.86	Graham	.....
Burke	14.64	Granville	17.49
Cabarrus	27.42	Greene	26.67
Caldwell	25.25	Guilford	10.84
Camden	41.67	Halifax	16.78
Carteret	45.54	Harnett	39.33
Caswell	63.88	Haywood	16.04
Catawba	26.36	Henderson	56.04
Chatham	.....	Hertford	27.06
Cherokee	11.93	Hoke	.....
Chowan	19.81	Hyde	29.03
Clay	.....	Iredell	22.27
Cleveland	25.99	Jackson	44.83
Columbus	28.30	Johnston	29.64
Craven	20.40	Jones	.....
Cumberland	33.85	Lee	14.22
Currituck	24.14	Lenoir	26.67

TABLE V—Continued

Lincoln	27.45	Robeson	48.82
Macon	11.75	Rockingham	26.37
Madison	16.11	Rowan	20.30
Martin	.....	Rutherford	13.12
McDowell	26.64	Sampson	11.38
Mecklenburg	20.75	Scotland	2.43
Mitchell	31.22	Stanly	18.58
Montgomery	30.62	Stokes	14.75
Moore	23.78	Surry	25.18
Nash	37.73	Swain	27.97
New Hanover	27.44	Transylvania	28.47
Northampton	.....	Tyrrell	.....
Onslow	.....	Union	12.49
Orange	54.71	Vance	40.21
Pamlico	24.40	Wake	20.30
Pasquotank	14.18	Warren	31.07
Pender	.....	Washington	16.67
Perquimans	.....	Watauga	19.58
Person	43.21	Wayne	19.41
Pitt	87.51	Wilkes	19.87
Polk	22.92	Wilson	48.26
Randolph	52.08	Yadkin	25.34
Richmond	26.25	Yancey	34.72

TABLE VI

PAUPERS IN COUNTY HOMES IN NORTH CAROLINA PER 100,000 POPULATION

Rank		*No.*	*Rank*		*No.*
1.	Wake	160	50.	Person	58
2.	Lee	157	52.	Ashe	57
3.	Cabarrus	151	52.	Avery	57
4.	Haywood	119	52.	Cleveland	57
5.	Watauga	118	55.	Chowan	56
6.	Alexander	114	55.	Davidson	56
7.	Granville	112	57.	Hertford	55
8.	Montgomery	109	58.	Stokes	53
9.	Rutherford	105	59.	Buncombe	51
9.	Union	105	59.	Cumberland	51
11.	Wilkes	98	61.	Orange	50
12.	Carteret	97	62.	Alamance	49
13.	Iredell	95	63.	Polk	45
14.	Stanly	94	64.	Mitchell	44
15.	Perquimans	89	65.	McDowell	42
16.	Pamlico	88	66.	Duplin	40
17.	Durham	87	67.	Gates	38
17.	Vance	87	68.	Jackson	37
19.	Richmond	86	68.	Wayne	37
20.	Yadkin	85	70.	Hyde	36
21.	Lincoln	84	70.	Johnston	36
21.	Madison	84	72.	Wilson	35
21.	Mecklenburg	84	73.	Cherokee	33
21.	Moore	84	74.	Beaufort	32
21.	Pasquotank	84	74.	Caswell	32
26.	Bertie	83	76.	Greene	31
27.	Edgecombe	82	77.	Lenoir	30
28.	Surry	80	78.	Craven	28
29.	New Hanover	78	79.	Brunswick	27
30.	Burke	77	79.	Henderson	27
31.	Gaston	76	79.	Rowan	27
32.	Forsyth	75	82.	Columbus	26
33.	Rockingham	72	83.	Martin	24
34.	Macon	70	84.	Pitt	22
35.	Northampton	69	84.	Robeson	22
35.	Warren	69	86.	Scotland	19
37.	Alleghany	67	86.	Yancey	19
37.	Anson	67	88.	Camden	18
39.	Caldwell	65	89.	Washington	16
39.	Catawba	65	90.	Currituck	14
41.	Sampson	64	91.	Harnett	7
41.	Transylvania	64	92.	Bladen	0
43.	Chatham	63	92.	Clay	0
44.	Randolph	62	92.	Dare	0
45.	Nash	61	92.	Graham	0
46.	Swain	60	92.	Hoke	0
47.	Franklin	59	92.	Jones	0
47.	Guilford	59	92.	Onslow	0
47.	Halifax	59	92.	Pender	0
50.	Davie	58	92.	Tyrrell	0

POOR LAWS

C. S. 1335. **Support of poor; superintendent of county home; paupers removing to county.** The board of commissioners of each county is authorized to provide by taxation for the maintenance of the poor, and to do everything expedient for their comfort and well ordering. They may employ biennially some competent person as superintendent of the county home for the aged and infirm, and may remove him for cause. They may institute proceedings against any person coming into the county who is likely to become chargeable thereto, and cause his removal to the county where he was last legally settled; and they may recover from such county by action all charges and expenses incurred for the maintenance or removal of such poor person.

C. S. 1336. **County home for aged and infirm.** All persons who become chargeable to any county shall be maintained at the county home for the aged and infirm, or at such place or places as the board of commissioners select or agree upon.

C. S. 1337. **Records for county, how to be kept.** The keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and per capita expense of home per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare; and give a full and accurate report to the county commissioners and to the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday in December of each year.

C. S. 1338. **Support of county home.** The board of commissioners may provide for the support of the persons admitted by them to the home for the aged and infirm by employing a superintendent at a certain sum, or by paying a specified sum for the support of such persons to any one who will take charge of the county home for the aged and infirm, as said board may deem for the best interest of the county and the cause of humanity.

C. S. 1339. **Property of indigent to be sold or rented.** When any indigent person who becomes chargeable to a county for maintenance and support in accordance with the provisions of this article, owns any estate, it is the duty of the board of commissioners of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided under article three of the chapter entitled Insane Persons and Incompetents, or they may take possession thereof and rent the same out and apply the rent toward the support of such indigent person.

C. S. 1340. **Families of indigent militiamen to be supported.** When any citizen of the State is absent on service as a militiamen or member of the State guard, and his family are unable to support themselves during his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

C. S. 1341. **Paupers not to be hired out at auction.** No pauper shall be let out at public auction, but the board of commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county home for the aged and infirm, as may be deemed best.

C. S. 1342. **Legal settlements; how acquired.** Legal settlements may be acquired in any county, so as to entitle the party to be supported by such county, in the manner following, and not otherwise:

1. *By one year's residence.* Every person who has resided continuously in any county for one year shall be deemed legally settled in that county.

2. *Married women to have settlement of their husbands.* A married woman shall always follow and have the settlement of her husband, if he have any in the State; otherwise, her own at the time of her marriage, if she then had any, shall not be lost or suspended by the marriage, but shall be that of her husband, till another is acquired by him, which shall then be the settlement of both.

3. *Legitimate children to have settlement of father.* Legitimate children shall follow and have the settlement of their father, if he has any in the State, until they gain a settlement of their own; but if he has none, they shall, in like manner, follow and have the settlement of their mother, if she has any.

4. *Illegitimate children to have settlement of mother.* Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the State. But neither legitimate nor illegitimate children shall gain a settlement by birth in the county in which they may be born, if neither of their parents had any settlement therein.

5. *Settlement to continue until new one acquired.* Every legal settlement shall continue till it is lost or defeated by acquiring a new one, within or without the State; and upon acquiring such new settlement, all former settlements shall be defeated and lost.

C. S. 1343. **Removal of indigent to county of settlement; maintenance; penalties.** Upon complaint made by the chairman of the board of county commissioners, before a justice of the peace, that any person has come into the county who is likely to become chargeable thereto, the justice, by his warrant, shall cause such poor person to be removed to the county where he was last legally settled; but if such poor person is sick or disabled, and cannot be removed without danger of life, the board of commissioners shall provide for his maintenance and cure at the charge of the county; and after his recovery shall cause him to be removed, and pay the charges of his removal. The county wherein he was last legally settled shall repay all charges occasioned by his sickness, maintenance, cure and removal, and all charges whatever, if such person die before removal. If the board of commissioners of the county to which such poor person belongs refuses to receive and provide for him when removed as aforesaid, every commissioner so refusing shall forfeit and pay forty dollars, for the use of the county whence the removal was made; moreover, if the board of commissioners of the county where such person was legally settled refuses to pay the charges and expenses aforesaid, they shall be liable for the same. If any housekeeper entertains such poor person without giving notice thereof to the board of commissioners of his county, or one of them, within one month, the person so offending shall forfeit and pay ten dollars.

County Superintendent of Public Welfare to Have Supervision of Poor

C. S. 5017. **Powers and duties of county superintendent.** The county superintendent of public welfare shall be chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.

2. To act as agent of the State Board in relation to any work to be done by the State Board within the county.

3. Under the direction of the State Board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.

4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.

5. To have oversight of dependent and delinquent children, and especially those on parole or probation.

6. To have oversight of all prisoners in the county on probation.

7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.

8. Under the direction of the State Board, to have oversight over dependent children placed in the county by the State Board.

9. To assist the State Board in finding employment for the unemployed.

10. To investigate into the cause of distress, under the direction of the State Board, and to make such other investigations in the interest of social welfare as the State Board may direct.

District Hospital-Homes

[Laws 1923.]

AN ACT TO ENABLE ANY TWO OR MORE COUNTIES TO ESTABLISH A DISTRICT HOSPITAL-HOME IN LIEU OF SEPARATE COUNTY HOMES.

The General Assembly of North Carolina do enact:

Section 1. Any two or more adjacent counties may by action of the county commissioners in said counties, as hereafter provided, establish a District Hospital-Home for the Aged and Infirm, to be located at some suitable place within the counties composing the district, location and purchase to be controlled by a board of trustees appointed by the county commissioners of the respective counties owning and controlling said hospital-home, each county having the same relative vote in all meetings of the board of trustees as such county has in the lower house of the General Assembly.

Sec. 2. That the county commissioners of the aforesaid counties are hereby authorized and empowered to sell and convey by deed all properties held by the aforesaid counties for the care and maintenance of their county's poor, and from the proceeds of such sale appropriate so much as may be required to meet said county's proportionate part of the funds necessary to perfect the completion of said community home for the aged and infirm as provided herein.

Sec. 3. That should it be deemed wisest not to sell said properties, or should any county not have said properties in its possession, or should any counties have said properties which would not be for sale, the necessary funds shall then be raised by direct taxation within the county or counties preferring this method of raising their pro rata part.

SEC. 4. That the several boards of county commissioners shall, as soon as they shall have agreed among themselves to establish a District Hospital-Home for the Aged and Infirm for their counties, appoint the members of the board of trustees, which board shall be known as the Board of Trustees of the District Hospital-Home for the District Comprising....., ..., ... counties; the members of said board of trustees shall be appointed every two years by the boards of county commissioners, the term of office for said trustees shall be two years, and until their successors are chosen and qualified; that all vacancies shall be filled by the several boards of county commissioners and said commissioners shall provide for the expense and compensation of said board of trustees.

SEC. 5. That this board of trustees shall, as soon as possible after appointment, assemble and organize by the election of a chairman, a secretary and a treasurer, which last officer shall be bonded. They shall proceed promptly with the purchase of a site for such hospital-home, including, if they deem it desirable, a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities; provide for the necessary stock, tools and farm equipment, and shall then cause to be erected suitable plain, substantial, comfortable and permanent buildings for the accommodation of those for whom this act is intended, giving due regard to the separation of the sexes and races, and such other plans for segregation as their judgment and existing conditions may suggest. Said buildings are to be furnished with plain, substantial furniture, and such other equipment as conditions demand.

SEC. 6. That the several counties constructing, equipping, and operating a district hospital-home shall pay for the site and for the construction and equipment of the plant in proportion to the taxable property of the several counties and shall own in the same proportion, but the operating expenses shall be borne by the several counties in proportion to the population of the county.

SEC. 7. That the State Board of Charities and Public Welfare shall have prepared plans for such district hospital-home and shall furnish such plans on request to any board of trustees of any district hospital-home at cost; and that all such hospital-homes shall be built in accordance with plans furnished or approved by the State Board of Charities and Public Welfare.

SEC. 8. That as soon as the district hospital-home is ready for occupancy the several county homes or poorhouses, heretofore owned by the several counties, shall be closed and occupants shall be transferred and located in the district hospital-home for the aged and infirm herein provided for.

SEC. 9. That the board of trustees of the said district hospital-home shall elect a capable superintendent and such other employees as it may deem necessary to the efficient management of said district hospital-home, and shall fix their salaries with due regard to number and condition of inmates occupying said district hospital-home.

SEC. 10. That the board of trustees shall meet at least twice a year for the transaction of such business as their positions may require. They shall have the general conduct and management of the district hospital-home's affairs. They shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board.

SEC. 11. That the matter to be considered at any special meeting shall be set out in the call for the special meeting, but any business may be transacted at special meetings which received a two-thirds vote of the entire board of trustees, although not mentioned in the call.

Sec. 12. That the board is vested with all powers not already mentioned which are possessed by boards supervising State institutions.

Sec. 13. That any two or more counties constructing, operating and maintaining a district hospital-home for the aged and infirm shall, as required by law now in force for the care and maintenance of those not able to care for themselves, send such person or persons to the district hospital-home for the aged and infirm in lieu of the county home, and shall pay the expense of maintenance in proportion to the population of the county.

Sec. 14. That as soon after the first day of January of each year as may be practicable the board of trustees shall cause a report to be made of the hospital-home, which report shall show the number of inmates, the county admitting them, date of admission, age, condition of health, sex, color, educational acquirements, diagnosis of disease if diseased, total number of inmates received during the year, average number cared for per month, names and disposition of those dismissed, pro rata cost of maintenance, the total amount of money expended, the total amount of money received from each county, and such information as the State Board of Charities and Public Welfare and the board of trustees of the district hospital-home may demand. It shall also show an inventory and appraisement of property, real and personal, and give a strict account of receipts from farm and expenditure thereon, and such other information as may be required to check up the institution from all viewpoints.

Sec. 15. That a copy of the said report of the said board of trustees shall be furnished the county commissioners of the respective counties interested in and providing said district hospital-home.

Sec. 16. That all acts or parts of acts not consistent with this act are hereby repealed.

Sec. 17. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1923.

SUMMARY AND CONCLUSIONS

It may be worth while to summarize the logical conclusions from our discussion of the county home problem, in the form of concrete statements forming a standard or a series of standards that we believe to be attainable in any county home in which there are a sufficient number of inmates to make it practical to maintain an institution for their care. No county that does not have such a number of inmates should attempt to maintain a county home until every other possible method of caring for its poor in an efficient and humane way has been investigated. In those counties, or groups of counties, that should undertake the maintenance of a county home, the following standards are attainable:

The County Home Farm

The county home farm should consist of a small acreage of fertile land.

The farm should be on a good road easily accessible to the county-seat.

The objects of operating the farm should be:

1. The production of an abundant supply of fresh vegetables and fruits for as great a part of the year as possible, and a surplus for canning and storage.

2. The production of a supply of milk and butter at all seasons.

3. The production of a supply of chickens and eggs.

4. The production of meats other than chickens. A few hogs may be kept, but in no case should the main effort of the superintendent be directed toward the production of pork.

Buildings

The county home should be a plain, substantial structure of brick. A single building, or a group of connected buildings is best suited to our needs. Segregation of races and of sexes should be possible. That such a building may be attractive is shown by the frontispiece.

Bedrooms large enough for a single inmate, with a few suites of two rooms for old couples, are to be preferred.

The furnishings of the bedrooms should be inexpensive, but substantial and attractive. The minimum should be a single bed furnished with good springs and a comfortable mattress, a pillow, two sheets, blankets, and coverlet; a comfortable chair; a mirror, comb, and brush; and a small closet for clothes.

There should be an attractive and comfortable living room for each race. These should be furnished with comfortable chairs.

There should be a dining-room for each race. These, next to the living rooms, should be the most attractive in the institution. They are usually, next to the kitchen, the least attractive.

The kitchen and pantries should be of ample size and well equipped.

Baths and toilets should be conveniently located. There must be provision for hot and cold water, and a modern sewerage system.

Safety for inmates and property demands some form of steam heat and electric lights.

Plans for new homes should be drawn by a competent architect and submitted to the State Board of Charities and Public Welfare for approval.

Supervision

The county commissioners should retain only general supervision of the county home.

The superintendent of public welfare should have, under the direction of the commissioners, active supervision of the county home. He should investigate every application for admission; advise with the superintendent of the home, and keep the commissioners advised as to conditions in the home. He should have authority, possibly with the approval of the chairman of the board of commissioners, to act in emergency cases.

The superintendent of the county home should be chosen for his fitness for the position. He should be the equal, in intelligence and culture, of the courthouse officials.

The matron, whether the wife of the superintendent or another, should be of the same superior type. Both should be persons of tact and skill in handling the difficult types of which the county home population is made up.

Both the superintendent and the matron should be paid a salary. The payment of a certain sum per inmate per month is unsatisfactory. The method of selling the keeping of the county home to the lowest bidder is indefensible and is in violation of the spirit and intent of the law.

Heat, Light, and Water

The open fireplace and the stove in the bedrooms of inmates should be replaced by steam heat, even where there is no question of economy of fuel, because of the danger to the property as well as to inmates. There should be an open fireplace in each living room, but nowhere else.

Electric lights should be installed in all cases. If the home is not within reach of electric current, a small plant may be installed for a few hundred dollars. The kerosene lamp is too dangerous to be tolerated.

The water supply should be more carefully safeguarded than is usual in county homes. In some sections of the state a spring properly located and protected provides a good source for the water supply. In the mountain counties a pipe-line from a spring on the hills above the home may provide an adequate supply of water under pressure at a very small cost. In other sections a well, deep enough to insure pure water and carefully enclosed, should be provided. Running water under pressure may be provided at a trifling cost by installing a pump operated by a small electric motor; or in case the county generates its own electricity, the pump may be operated in connection with this plant. An elevated tank is not necessary. A metal tank in the basement will be found perfectly satisfactory. Such a plant to furnish lights and water will cost but a few hundred dollars. Occasionally it may be possible to get water from a city system.

Sanitation

A county home can be kept clean.

Disinfectants may be used under the direction of the county health officers; but not as a substitute for soap and water.

Inmates should have at least one full bath a week.

Clothing should be changed once a week, or oftener when necessary.

Every inmate should be furnished with night clothes and required to use them.

Every bed should have two sheets, which should be changed once a week, or oftener when necessary.

Individual drinking cups should be provided.

The building should be completely screened and no flies should be tolerated, especially in the kitchen, the pantry, and the dining-room.

Bed-bugs and cockroaches are not necessary inhabitants of a county home.

Sewerage

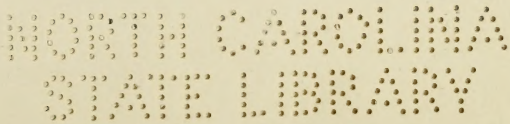
In the case of a private family a simple type of pit privy may prove fairly satisfactory; but such a privy, aside from its inconvenience, is very hard to manage in connection with a county home. The open privy, of course, must go. Usually county homes will be too far out to be connected with city sewerage. A private sewerage system with a septic tank may be installed at a very small cost, and when properly installed gives satisfaction.

Food

Plain, wholesome, appetizing food should be provided. The home demonstration agent, in the many counties where there is such an officer, should be the representative of the county commissioners in seeing that the inmates of the county home receive such food.

Records

Two well-bound books should be furnished to the superintendent of the county home. One of these should be for a record of inmates. A second should furnish a record of all products of the farm, whether sold or used in the home. In addition, the superintendent should have a requisition book in which he keeps a copy of every item of supplies, etc., purchased by him.



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THE CARE OF
DEPENDENT CHILDREN
IN INSTITUTIONS

no. 5

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LETTER OF TRANSMITTAL

Mrs. Kate Burr Johnson,
Commissioner of Public Welfare,
Raleigh, N. C.

My Dear Mrs. Johnson:—The material herewith presented contains suggestions for the conduct of institutions caring for dependent children. It is offered for publication in the hope that it may be helpful to boards of trustees and superintendents of child-caring institutions and others interested in the care of children.

Grateful acknowledgment is made of the valuable and generous assistance of Mr. J. B. Johnson, general manager of Presbyterian Orphanage, Barium Springs; Rev. W. H. Wheeler, superintendent Thompson Orphanage, Charlotte; Miss Margaret Edwards, Mr. George W. Coggin, and Mr. J. Henry Highsmith, of the State Department of Education, Raleigh. Many thanks for helpful suggestions are due Dr. C. C. Carstens, director Child Welfare League of America, New York; Dr. Hastings Hart, director Child Placing, Russell Sage Foundation, New York; the Children's Bureau, Washington, and representatives from the State Departments of Public Welfare of Georgia, Ohio, and Pennsylvania.

Respectfully submitted,
Mary G. Shotwell, *Director,*
Division Child-Caring Institutions.

FOREWORD

"One of the first duties of the State," declares the Constitution of North Carolina, "is to make beneficent provision for the poor, the unfortunate, and the orphan."

The State Board of Charities and Public Welfare is required by law "to inspect and make report on private orphanages, institutions and persons receiving or placing children, and all such persons, institutions and orphanages shall, before soliciting funds from the public, submit to the State Board of Charities and Public Welfare an itemized statement of the moneys received and expended and of the work done during the preceding year, and shall not solicit other funds until licensed by the State Board, said statement of moneys received and expended and work done to be made each year as ordered by the State Board, and said Board shall have the right to make all such information public."

It is the wish of the State Board of Charities and Public Welfare to carry out the duties imposed upon it by law in a spirit of service so that the initiative and individual capacity of each institution may not be interfered with by State supervision, but may be strengthened and developed more fully and effectually than ever before, and to this end this bulletin of suggestions has been prepared.

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PURPOSE

"Dependent children are those who are orphan, homeless, or are dependent on the public for support—those who have no responsible guardian able and willing to care for them."

The primary purpose of an institution caring for dependent children should be to provide care for normal children, keeping in mind always the reuniting of the family whenever advisable. While the child is in the institution he should be trained along physical, mental, social, vocational and religious lines, and this training should approximate that which he would receive in the atmosphere of a normal home.

THE CARE OF DEPENDENT CHILDREN IN INSTITUTIONS

1. ADMINISTRATION

A. GOVERNING BOARD

All private agencies or institutions caring for dependent children must be incorporated by the State, and the governing board should work under the authority of an incorporated body.

The governing board, board of trustees, regents or controlling body, by whatever name used, should be composed of responsible persons who have an active interest in the work and who can give their personal attention to it. Board members failing to attend meetings without a good excuse should be dropped and replaced by persons who can give more time to the problems of the institution.

Duties

The following outline indicates a working basis for the board of trustees:

1. Should determine general policies of the institution and the type of work to be done.

2. Should know the needs of the territory to be served and the relation of the work to these needs. Also the relation of the orphanage to other phases of child welfare work.

3. Should always put the best interests of the child first.

4. Should study methods of similar institutions.

5. Should be responsible for all funds, and should have an accredited audit made by competent auditor annually.

6. Should select an executive officer who is responsible to the board for the management of the institution.

7. Should appoint an executive committee of the board.

(There should not be less than three nor more than five members of this committee, and meetings should be held at least quarterly. The work of this committee is to guide the superintendent in the management of the affairs of the institution, and to attend to necessary business between board meetings.)

B. SUPERINTENDENT OR GENERAL MANAGER

Qualifications

1. The superintendent must be a person of good character and should have college training or its equivalent.

2. He or she should be the type of person who can teach children Christian principles of living.

3. He or she should have the vision to plan for the development of the children as individuals rather than as a mass.

4. He or she should be energetic, resourceful and have executive ability.

The careful investigation of every case where the dependency of a child or a family of children is under consideration is no longer a matter of choice but of necessity.—Shiegerland.

Duties

1. The superintendent should carry out the plans and policies of the board as its executive officer.

2. He should attend meetings of the board and make regular reports of his work. These reports should give in detail the actual work of the institution and should direct the thinking of the board to the social problems involved in the care and training of children.

3. He should learn through conferences, visits, study, etc., the most progressive methods of dealing with children in other institutions.

4. He should employ when necessary the members of the staff, subject to the approval of board or the executive committee, and also discharge them at his discretion. Staff meetings should be held at least monthly when plans and policies of the work of the institution are discussed.

5. He should provide education and recreational facilities for the staff, such as—

A specialized library
At least one-half day off duty per week
At least two weeks vacation, annually, with pay.

C. STAFF

Members of the staff should have educational background sufficient to furnish intelligent direction to the special work they undertake. They should have some experience in general social work and should be persons with normal points of view and with real interest in and understanding of children.

2. THE PLANT

There have developed in the past generation three types of plants for children's institutions—the congregate, semi-congregate, and cottage systems. The congregate type consists of a large central building used for all purposes, usually with wings for dormitories. This is considered the most undesirable type and is rapidly disappearing.

The semi-congregate system places children of various ages in cottages with separate supervision, but the dining-room and kitchen is in one central building.

The latest development in children's institutions is the cottage system, which provides everything from kitchen and dining-room to sleeping and play quarters for not more than twenty children in one building. Each cottage should be as complete as possible, approximating the family home. The cottage mother should supervise the cooking for her own family, train the children at her own table and direct the general activities of the group.

A. LOCATION

The most important consideration in the location of the plant is that it be near enough the centers of population to afford good educational facilities where the children can make normal social contacts. It is advisable that the institution be so located that the employees may have ready access to a good town where they can do shopping and find suitable recreation without too much expensive traveling.

In selecting the site, good drainage and the accessibility to a good water supply should be assured. In planning the building, the ultimate aims of

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It is not always best to take children from parents who are willing to give them up.

the institution should be considered. It is advisable to consult a landscape architect, so as to place the buildings artistically, and thus prevent changes that might arise in a few years.

B. BUILDINGS

Buildings in which the children sleep or go to school should never be more than two stories high. In many ways the one-story building is very desirable. Sleeping porches and long piazzas should be given prominence since they can be used the greater portion of the year. The plans for all buildings must be approved by the State Insurance Commissioner.

The window space of the buildings should equal one-fifth the total floor area as a minimum. It is much easier to shut out the surplus light on very bright days than to secure it on the frequent dull ones. If the institution is not accessible to the city electric light plant, small electric systems should be installed by the institution.

It is usually more satisfactory to have heating systems for each building than to have a central plant because it makes it possible to place the buildings farther apart. The system of heating by hot water is the most desirable, although steam heat gives good service.

Adequate sewage disposal should be provided, either by connecting with the city system or by the installation of a separate plant.

If city water is not available, the water supply must be analyzed by the State Board of Health at least twice a year. It is advisable to have it tested once a month. Drinking fountains should be installed.

The water supply should be sufficient to protect the buildings in case of fire. Chemical fire extinguishers should be placed in all of the halls.

The arrangement of the interior of the building and the equipment of the rooms should conform to the following plan:

1. Sleeping Quarters

Dormitories should be provided for small children. Either a single room or a room for two or three children should be provided for the larger ones. It is advisable to have a straight chair near each bed in order that clothing may be placed on it instead of being put on the floor or bed. The rooms should be made attractive with pictures, draperies, etc. In order to develop the idea of ownership, children should be encouraged to use their own things in the arrangement of their rooms.

Single beds should be used, and only one child allowed to sleep in a bed. Two sheets should be provided for each bed. All linen should be changed weekly. Night garments should be hung up during the day and not kept in the bed.

Six hundred cubic feet of air space should be allowed each child and the windows kept open at night. Beds should be two feet apart at the sides. If the dormitory contains more than three children, cross-ventilation should be provided. A night toilet should be adjacent to the dormitory.

2. Bathrooms

Separate bathrooms with adequate toilet and bathing facilities should be arranged for each sex as follows:

a. TOILETS. Girls: One toilet to 8 or 10 girls.
Boys: One toilet to 7 or 10 boys.

(Each toilet should be in a separate compartment, not only for the cultivation of modesty, but because of moral hazard.)

Milk is the best all-round food. Don't drink milk—eat it slowly.

b. LAVATORIES. One bowl should be provided for each 6 or 8 children and in a separate room from bath and toilet. Enameled sinks with hot and cold water faucets have been found very satisfactory in some institutions. The children wash in running water from the faucets, eliminating all possibility of infection from the use of bowls not properly cleaned.

c. BATH. One shower for each ten children and at least one tub for each cottage.

3. Living Room

A comfortable, adequately-equipped living room in each cottage serves as a center for the family life of the group. Dainty and attractive draperies make the room sunny and cheerful. Suitable pictures for the children, hung very low on the walls, a victrola or some other musical instrument make the room homelike. It should always be kept in mind that these rooms are for the *use* of the children, and the furnishings should therefore be such that the children do not have to be admonished if they really attempt to live in them.

4. Reading room or library

The older children should have a reading room provided for them, and they should be encouraged to use it. Possibly the best location of this room is the school building, as it affords an opportunity for use during school hours. A circulating library might be kept in the living room of each cottage so that children have access to it without having to go direct to the library.

5. Playroom

In cottages where there are small children, the playroom is exceedingly important and should be provided. Built-in boxes which serve as seats for the children may be used to hold each child's toys. There should be tables varying in size for the children to play indoor games on. This room may also serve as a study hall for the larger children.

6. Dining Room

This room should be properly screened, lighted and ventilated. Small tables seating not more than eight people should be presided over by the cottage mother or one of the older children. The crockery is more attractive if neatly decorated with a simple design. Knives and forks and spoons should be of plated silver. White table cloths and napkins have a refining influence. Attractive mats and runners of economical material may be made by the girls, and are desirable when the tables are polished or painted.

In some cases it is desirable to use this room as a study hall for the children and the tables should be made available.

7. Kitchen

The kitchen should have windows on two or more sides of the room so as to provide cross-currents of air. It should be properly screened and provided with sinks and tables which can be easily cleaned.

The cooking utensils should be adequate, based on the total number of people who are served food. There should be a refrigerator large enough to accommodate the ice, milk, butter, and other foods. Adequate provision should be made for storing dry supplies of all kinds as well as for fruits and vegetables.

The garbage should be disposed of in a sanitary way.

Proper feeding is one of the chief factors in health.

C. OUTBUILDINGS

It is very important that all of the buildings be located so as to conform to a harmonious plan as well as afford the greatest convenience to the workers. The buildings should be sufficiently removed from the cottages to be sanitary and safe.

1. Laundry

The best possible conditions should be provided for the laundry work, with cross-ventilation in all rooms. At least two rooms are necessary: one for the washing and one for the ironing. In some cases it is advisable to have the laundry sent outside. The following equipment should be available:

- Electric or steam washer
- Electric wringer
- Stationary tubs
- Mangle
- Steam dryer
- Electric dryer
- Soap cans
- Electric irons
- Stools

2. Barns

All of the barns should be kept so clean and sanitary that there is no place for flies to breed.

The drainage from these buildings should be so cared for that it will not contaminate the water supply.

3. PHYSICAL CARE

One of the essentials in the work of an institution is the health of the children. The interest of the children should be enlisted, so they may become active factors in improving the health conditions.

A. HEALTH

The following outline should be carried out:

1. Newly admitted children to be kept apart from others for about ten days.
2. Physical examination of children with correction of defects—
   a. Upon admission to the home,
   b. Once a year during stay.
3. Continuous health record for each child.
4. Monthly weight charts for each child and necessary computation to determine which are underweight.
5. Resident graduate nurse or a good practical nurse working under the direction of a good physician.
6. Regularly employed physician visiting at regular intervals and on call.
7. Regularly employed dentist.
8. Complete isolation of all children having communicable diseases.
9. Properly equipped infirmary or hospital if children are not sent to local hospital.
10. Mental examinations at least of doubtful cases, with a study of behavior of child.

It is a serious thing to relieve parents of their parental obligations. The family relation is not to be lightly broken, and parents should be held to their parental duties except for the most urgent and compelling reasons.

B. PERSONAL HYGIENE

It is advisable that every child be given a daily bath, and it is necessary that a full hot bath be given at least twice a week.

Individual toilet articles should be provided as follows:

1. Comb and brush, kept in sanitary cabinet or other device, which permits of individual care.
2. Toothbrush, labeled and placed in open holder, where light and air can reach it.
3. Mouth wash or powder, available for individual use.
4. Wash cloth, washed and boiled at least weekly.
5. Towels, bath and face. (It is more convenient and more sanitary if small face towels are provided and changed daily. The total yardage going to the laundry in a given length of time would not be much greater than when large towels are used.)

C. FOOD

In order to be assured of a balanced diet for children, it is important that careful attention be given to the proportion of different foodstuffs that are used in each day's food supply. Protein, fat, starch and sugar furnish the body with heat and energy and are necessary for growth and repair. Mineral foods are also necessary for growth and regulation of the body processes. Vitamines are other substances that have recently been found necessary to the growing child, for building up tissues and regulating the body processes.

The following list contains food that furnish these different substances:

1. a. VEGETABLES.

Collards	Celery
Turnip greens	Lettuce
Turnip	Cauliflower
Beet and beet tops	Onions
Carrots	Parsnips
Corn on cob	Kale
Snap beans	Mustard greens

b. FRUITS.

Orange	Fig
Pear	Apple
Grapefruit	Peach
Tomato	Date
Raisin	Apricot
Prune	Pineapple

2. FOODS RICH IN STARCH.

Potato	Sweet potato
Rice	Grits
Macaroni	Wheat flour
Spaghetti	Corn meal
Graham flour	

3. FOODS RICH IN PROTEIN.

Eggs	Dried beans
Cheese	Poultry
Fish	Milk
Field peas	Nuts
Meat—beef, pork, lamb	

4. SWEET FOODS.

Preserves	Sweet desert
Jam	Marmalade
Candy	Syrup
Cake	

Suggestions for a balanced diet:

1. MILK. The milk supply of an institution must be sufficient to give every child under twelve years of age one quart of milk daily. The milk must be pure, from cows free from tuberculosis, determined by examination of the cows by an accredited inspector.

2. BUTTER. Butter or some other fat should be used at least once a day.

3. MEAT. Served not more than once a day. It is better to use it three times a week. Cheese, eggs and beans should be used in place of meat.

4. EGGS. Because of their value in a child's diet, eggs should be used three or four times a week.

5. VEGETABLES. At least one green leafy vegetable a day. One starchy vegetable a day in addition to bread.

6. FRUIT. Served at least twice every day in summer and once a day in winter.

There should be a hot dish every meal. In winter, thick soups make a fine supper dish. Hot chocolate with milk is also a good dish for supper in winter. Milk may be used in summer. One uncooked fruit or uncooked vegetable should be included daily.

The food should be prepared under the supervision of a dietitian who has had training in the care and feeding of children. If the institution does not have a dietitian, the following menus may be suggestive:

DIET FOR A WEEK FOR CHILDREN 7 TO 12 YEARS

Breakfast	*Dinner*	*Supper*
Orange Oatmeal, 1-2 cup with milk Bread and butter Hot Cocoa	Macaroni and cheese Stewed tomatoes Bread and butter Lettuce Milk Preserves	Vegetable soup Crackers Steamed custard over stewed peaches
Stewed prunes Shirred egg (baked in a baking dish with milk and butter) Muffins Milk	Beef stew with carrots and potatoes Celery Corn bread	Cottage cheese Graham bread Stewed fruit Hot cocoa
Cream of wheat with milk with raisins Broiled bacon and egg *Toast Milk	Buttered peas Baked potato Turnip greens Corn bread Prune whip	Cream of tomato soup Bread and butter Preserves Milk
Baked apple Hominy grits Bread and butter Hot cocoa	Meat loaf, gravy and steamed potatoes Buttered string beans Oatmeal cookies Milk	Milk toast Stewed fruit
Corn flakes and milk *Soft scrambled eggs Toast Milk	Baked fish Mashed potatoes Spinach Corn bread	Creamed Lima beans Stewed tomatoes Bread and butter Gingerbread Milk
Cracked wheat, milk Bread and butter Preserves or syrup Milk	Field peas Rice and gravy Corn bread Apple sauce Milk Lettuce	Cream of spinach soup Bread and butter Apricots or peaches
Orange Egg bread Syrup Milk	Stewed chicken Rice with gravy Buttered carrots Bread and butter Ice cream	Apple Raisin and graham bread Milk

DIET FOR CHILDREN UNDER SIX YEARS

The following suggestions for feeding children under six years of age were recently made by the late Dr. J. J. Philips, of Raleigh, specialist in children's diseases.

CHILD UNDER THREE YEARS OF AGE

Give feedings daily at 7:30, 10:30, 1 p. m., and 6:00 p. m.

A well-cooked cereal should appear in the menu at least once a day. For the two-year-old, the cereal should be cooked from four to six hours and put through a fine strainer.

Breakfast—7:30.

Whole milk— 8 ounces
Cooked cereal—small portion
White bread—toasted—one slice, or
Zwiebach with half pad of butter.

10:30.

One orange, or half-glass of milk with or without two graham crackers or small piece of toast.

Dinner—1:00.

Sifted spinach or sifted green pease
Yolk of egg boiled 10 minutes
Apple sauce or prune pulp
Milk (one glass).

Supper—6:00 p. m.

Milk (one glass)
Cereal
Bread and butter.

CHILD OVER THREE YEARS OF AGE

Breakfast—7:30.

One each of the following groups:

Cereals	*Bread*	*Milk*	*Butter*
Oatmeal	Graham		
Wheatena	Whole wheat		
Corn meal	Corn bread		
Pettijohn	Toast		
Cream of wheat	Brown bread		
Farina	Egg bread		
	Muffins		

(In place of cereal, which may then be given at night, give one egg, soft-boiled three minutes or scrambled with milk, and slice of bacon.)

Dinner—12:30-1:00.

One each of the followings groups:

Meat or Substitute	*Green Vegetables*	*Starchy Vegetables*
Bacon	Spinach	Rice
Fish (baked or creamed)	Carrots	Hominy
	Lettuce	Macaroni
Chicken (never fried)	Beet tops	Spaghetti
Stewed beef	Asparagus	White potato
Lamb, boiled or roasted	Peas	Grits
Eggs	Cauliflower	
	Stewed celery	

Childhood is like a mirror, which reflects in after life the images first presented to it.—Samuel Smiles.

Bread	*Desert*	
Corn bread	Rice pudding	Cup custard
Egg bread	Tapioca	Molasses
Corn muffins	Junket	Apple
Whole wheat	Peach	Pear
Graham	Orange	Prunes
	Apricot	Lady fingers
	Ice cream	Corn starch pudding

Supper—6:00 p. m.

Bread as above, toasted or otherwise
Cooked fruit
Butter (one pad)
Milk

If a child gets hungry two or three hours before meal time, give a slice of bread and butter; never give candy, cake or cookies at this time as it destroys his appetite for regular meals. It is often advisable to give undernourished or backward children food about 10:30 o'clock. If so, give one orange or half a glass of milk with or without a bread and butter sandwich or two graham crackers.

DONT'S FOR FEEDING CHILDREN UNDER SIX YEARS OF AGE

DO NOT GIVE:

1. Food between meals.
2. Tea, coffee, sodas.
3. Fried food of any kind.
4. Pork, sausage, veal, kidneys, greasy stews.
5. Corn, cabbage, cucumber, watermelon, cantaloupe.
6. Salt or dried fish.
7. Hot breads, cakes, pastry.

Give no more than *one* tablespoonful of sugar in the day to a child under seven and no more than *two* tablespoonfuls to one over seven.

NOTE.—Toast may be easily prepared by placing slices of bread in oven in which regular baking is done. Institutions with as many as 900 people do this several times a week.
The small Italian prune is very satisfactory for the table, since it has its own sugar and does not need to be sweetened.

D. CLOTHING

The standards of dress for the child in the institution should be as high as that of the average child in the community. As far as possible there should be distinctive clothing for each child, adapted to the child's individuality. The older children should be given an opportunity of selecting and buying their own clothes. Develop a pride in the child's possessions by training him to care for his clothing. Make it possible for the older girls to make their own clothes. This will emphasize individuality in clothing and add to the child's respect for it.

Each child should have at least four suits of underwear as well as clothes provided for school, work, play and dress-up occasions. Suitable individual night clothes for each child washed at least weekly should be provided.

The clothing should be adapted to the seasons with sufficient wraps and should be cared for as follows:

1. Records kept of clothing given each child.
2. Each child's garments marked.
3. Dresser, chiffonier and closet space are desirable, but at the least individual lockers should be provided.
4. All clothing mended after laundering.

4. EDUCATION

One of the best ways for institutional children to get the normal outlook on life is to attend the public school. They become a part of the larger community by coming in contact with children who live in normal groups or families. This broad experience gained through the variety of contact made in the public schools will make it easier for them to become adjusted to society when they leave the institution.

Under some circumstances it is probably necessary for the institution to maintain its own school. In case this is done, the work of the school should follow that of the public school systems of North Carolina, which is outlined below:

A. BUILDINGS AND EQUIPMENT OF SCHOOL

The plans of buildings and equipment of the rooms should conform to standards set for the State elementary school and high school.

Dictionaries, maps, charts, and supplementary texts should be provided for the use of the children in each room. Pictures hung low on the walls make the rooms attractive.

An adequate library properly used is a most helpful agency in the work of a school. Children should be given freedom in the use of it. The State Department of Public Instruction has prepared a list of books suitable for elementary grades and high schools, which will be furnished free upon request.

In selecting the books for the high school the following distribution is suggested:

1. A good set of reference books.
2. Fifty volumes of standard fiction.
3. Fifty volumes of standard literature in the form of essays, orations, addresses, short stories, and dramas.
4. At least ten books each, on agriculture and home economics.
5. Twenty-five books on geography and travel.
6. Seventy volumes on history and biography.
7. Good editions of at least twenty-five of the leading British and American poets.

B. FACULTY

The principal or superintendent should be a person qualified by training and experience to direct the work of the school. He or she should organize the courses and supervise the work of the teachers by correlating the work of the institution with that of the school.

Principal and teachers employed should hold certificates issued by the State Department of Public Instruction or should be qualified by training and experience to receive such certificates for the grades of work for which they are employed. They should be devoted and loyal to aims and purposes of the institution.

C. COURSES OF STUDY

The minimum school term should be nine months and the children should attend school the same number of hours per day that is required of children in the local community.

A seven-year elementary school course and a four-year high school course should be provided. The course of study for elementary school should be the same as for public schools of the State.

Cleanliness is a life-preserver.

In view of the fact that the orphanage affords an unusual opportunity for specializing in vocational subjects every effort should be made to correlate the outside activities of the institution with the classroom work. The following courses may be given but they should be in accordance with plans generally recognized as being best for such institutions.

ACADEMIC COURSE		VOCATIONAL COURSE		COMMERCIAL COURSE	
First Year	*Periods.*	*First Year*	*Periods.*	*First Year*	*Periods.*
English	5	English	5	English	5
General Science	5	General Science	5	General Science	5
Arithmetic or Algebra	5	Arithmetic	5	Com. Arithmetic	5
Civics	3	Vocational Explora.	5	Vocational Explora.	5
Foreign Language	5	Civics	3	Civics	3
Physical Education	2	Physical Education	2	Physical Education	2
Second Year		*Second Year*		*Second Year*	
English	5	English	5	English	5
Algebra	5	Algebra	5	Business Arithmetic	5
History (Early European)	3	History U. S.	5	History U. S.	5
Foreign Language	5	Vocational Training	10	Spelling	2
Biology	5	Physical Education	2	Com. Geography	5
Physical Education	2			Physical Education	2
Third Year		*Third Year*		*Third Year*	
English	5	English	5	English	5
History (Modern European or English)	3	Mechanical Drawing	2	Business Forms	5
Plain Geometry	5	Physics	5	Stenography	5
Science—Physics	5	Vocational Training	10	Typewriting	5
Foreign Language	5	Physical Education	2	Physical Education	2
Physical Education	2				
Fourth Year		*Fourth Year*		*Fourth Year*	
English	5	English	5	English	5
History (American)	5	Mechanical Drawing	3	Commercial Law	5
Science—Chemistry	5	Physics or Chemistry	5	Bookkeeping	5
Foreign Language	5	Vocational Training	10	Stenography	5
Physical Education	2	Physical Education	2	Typewriting or Telegraphy	5
				Physical Education	2

Since the equipment for vocational training is very expensive and the supply of trained teachers very limited it is advisable that the *smaller* institutions not attempt to give this course.

1. Vocational Training

Children in institutions often have to assume the burdens of self-support at an early age. For this reason they should be given training that will prepare them for self-reliance and self-support. This can be accomplished through vocational training but it means something broader and more fundamental than the mere performance of the routine work of the institution. It means teaching efficiency through expert training and actual experience.

The vocational exploration period is one in which the children visit all the vocations of the institution with a view to finding the one that makes the greatest appeal to the individual. At least six to eight weeks should be given

Who can foretell for what high cause this darling of the gods was born?—Andrew Marvell.

to this period of each vocation so that the child may become acquainted with the work of each department. In this way the student can decide on the particular line he wishes special training in and the last years of the high school should be devoted to training in this vocation.

The Vocational Department of the State Department of Education will give assistance in the organization of any of the courses. The Vocational courses should include the following:

a. Agriculture.
b. Home Economics.
c. Trade and Industries.
   Printing.
   Plumbing.
   Cabinet Making.
   Auto Mechanics.
   Shoe Shop.

   Building Trades, including:
      Carpentry.
      Masonry.
      Cement Work.
      Tile Setting.
      Electrical.
      Sheet Metal.

   Miscellaneous:
      Leather—Harness Work.
      Repairing Furniture.
      Sign Painting.
      Photography.
      Floriculture.

2. Music

The importance of music has been realized by the leading educators of the country and many public school systems are placing it in their curriculum. It may be impossible for the institutions to offer full courses in music, but under no condition should chorus singing be omitted.

Under the right leadership an orchestra or band is desirable, but care should be used in the public appearance of the children.

3. Special Classes for Retarded Children

Provision should be made for ungraded classes for retarded children. The unusually bright child should also be given an opportunity for promotion as frequently as his progress warrants. On the other hand special classes for the subnormal child should be arranged and such training as he can take, given. In some cases the institution might be able to make arrangements with the public schools to undertake the care and teaching of the special problem cases, even though the other children are not sent out to public school.

4. Kindergarten Classes

The first years of a child's life are of the greatest importance and it is essential that the right kind of habits be established. Play is the child's

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The first duty toward children is to make them happy. If you have not made them happy you have wronged them; no other good they may get can make up for that.—Charles Buxton.

work, his recreation, his education, his life. For this reason his play material should be chosen wisely and as far as possible his play should be supervised.

Develop in the child an attitude of joyousness in work so that it will follow him through life. Plan a quiet time each day when the events of the day can be talked over, when familiar rhymes, stories, and songs may be enjoyed, when simple games of imagination and interpretation may be played.

5. Play Material

Children should be given the kind of play material with which they can "do things." Since, through his play a child re-creates his environment, it is obvious that he must have "tools" with which to work.

Complaints are often made that institutional children receive quantities of beautiful and expensive toys each year at Christmas time, and that in a few months they have completely destroyed them. Children who appear to be the most destructive are often those of exceptional initiative, who are trying to invent something new out of the old. The following suggestions for play materials may be helpful:

a. PRE-SCHOOL CHILDREN.
   1. Sand box. Sand to be changed frequently.
   2. Large blocks of plain wood of various shapes and sizes which can be scrubbed and sunned from time to time.
   3. Crayons and old magazines in which pictures can be colored.
   4. Blunt, cheap scissors and old magazines and catalogues from mail order houses. Plain wrapping paper may be used for free-hand cutting.

b. OLDER CHILDREN.
   1. Small, wooden boxes, nails and hammer, either in basement or outdoor shed provide endless hours of occupation.
   2. Materials with which children can play "store"—empty coffee cans, baking powder cans, etc., make fine receptacles for "groceries."
   3. Playhouse made out of goods box. Old samples of wall paper can be used for decorative purposes.
   4. Scraps of material for girls' sewing classes.
   5. Pets. Children should be allowed to have pets and provision should be made for the care of them.

6. Sex Education

Since the institution must take the place of the home and prepare the child to meet the temptations in the outside world sex education must not be neglected. Only by presenting the meaning of sex in life from a constructive point of view can the institution combat the undercurrent of misinformation concerning sex which is commonly found.

Every institution should have at least one counsellor for boys and one for girls, who understands the problems incident to sex and who can advise with those in need of special guidance.

One of the most helpful influences along this line is to have a normal acquaintanceship between the sexes. They should play together and eat together as well as attend school together, so that there may be as little strangeness as possible. This can all be guarded against to the best advantage by bringing boys and girls together under normal circumstances and in normal surroundings.

Educate men without religion and you make them but clever devils.

5. RECREATION

"If you want to know what a child is, study his play," says Dr. L. H. Gulick. "If you want to affect what he shall be, direct the forms of play."

Play is now recognized as essential in the development of character. The qualities that are strongest or weakest are easily demonstrated on the playground. All activities should be carefully supervised and directed.

A. PLAYGROUND

The playground apparatus should be simple and inexpensive. Supervision is more important than expensive equipment. Develop a sense of fair play and team work. There are various forms of activity that should be worked out, as follows:

1. Games

Play games in which a large number may take part, such as running and singing games.

2. Competitive Athletics

Baseball.
Basketball.
Long Ball.
Volley Ball.
Soccer Ball.
Track Events.

3. Swimming

Sanitary provision for swimming should be made and children should have a heart test.

B. ENTERTAINMENT

Children should be given opportunity of having some definite form of entertainment that is wholesome and recreational. The moving picture is a great aid to this and an effort should be made to have good, clean pictures, either in the institution or at the local theatre.

Prominent speakers from this and other states should be secured to speak to the children, as well as to the staff. Children should be allowed to go outside the institution whenever there is a desirable form of entertainment in the community.

A story-telling hour should be a definite part of the recreational life. Two periods a week, preferably after supper, could be given to story-telling and children encouraged to take part in it. A very effective way of promoting the interest in this hour is to have the children dramatize the stories. An amateur play might be given during the year and the children encouraged to write scenes for the play.

There is danger of overtaxing children's energies when they are responsible for too many public entertainments and this should be guarded very carefully.

6. CHARACTER DEVELOPMENT

One of the fundamental principles in the training of children is that they shall be happy. When children are happy and contented they are ready for training in self-reliance and self-control. A child's life is made up of two parts. In the first part he forms social habits through counsel, friendly advice and gentle suggestion, but in the second part he constructs his life out of his own experience.

What we make children love and desire is more important than what we make them learn.

The institution offers many opportunities to aid a child in the development of his character, some of which are stated below.

A. RELIGION

The child in the institution, just as the child in the home, needs religious training and influences. A positive working faith in God is the only true and adequate foundation on which to build. Religious instruction should be as clear and intelligent to the child as instruction in geography and history. This instruction should appeal to the child's intelligence as well as to his spiritual nature. The Bible is the literature of power through which the most practical as well as the purest and deepest truths of life find their way into the heart and mind. Not to know this literature in childhood is to lose the most valuable part of our spiritual heritage. This instruction should be given regularly and by well-trained people instead of by a succession of haphazard teachers.

If the institution is so located that the children cannot attend an outside church and Sunday School, an available minister should be engaged to act as pastor and teacher regularly.

If daily religious services are held it should be after the meals have been served. There is not much chance of a real spiritual atmosphere when children see food before them growing cold, while some one prays a very long time.

Children should be taught to say grace at the table without having the clanging of a bell mark the beginning and the end of the service. A silent blessing is a very effective way of having the children take part in it—each one repeats the blessing to himself.

B. CONVERSATION

Meal time affords a splendid opportunity for the development of character as children may be taught to think of others in the serving of food as well as in the type of conversation. There should be a pleasant interchange of ideas and free conversation should be encouraged. The current topics of the day afford a wonderful opportunity for the direction of the conversation. Under no circumstances should children be prohibited from talking during meals.

C. DISCIPLINE

When children are busy and happy there is little trouble with discipline. If trouble does arise the first thing to do is to determine the motive back of the act. It may be that from the child's point of view he has not committed an offense. So the first duty is to correct his ideas rather than to administer punishment. Children have a keen sense of justice and know when they have been punished justly or unjustly.

Punishment should never destroy a child's self-respect. It should be administered so as to develop the best that is in him.

Among methods commonly used as aids to discipline are the following:

1. System of Merits

The merit system, if employed, should be used as an incentive to good conduct. Thus used it gives emphasis to the positive side of character rather than the negative side.

The dangers to be guarded against are: First, that the ordinary system of merits and demerits may be so used as to discourage the child who is dull

A good life insurance policy is a bunch of spinach.

and who follows directions with difficulty, rather than to encourage him to put forth his best efforts; second, that it may create in the child who habitually wins merits a feeling of self-importance or self-righteousness that is injurious to him; third, that it may engender ill-feeling among the children.

2. Deprivation

The child may be deprived of some special privilege, such as the attendance of the moving picture. The deprivation should bear some relation to the offense so he may be able to see and understand it.

3. Reparation

The child who wilfully damages property should be made to pay for it. The one who accidentally damages property should feel some responsibility regarding it, and should be given an opportunity of replacing it. A very good way of doing this is to have him work during his leisure time Saturday afternoon and give him what his labor is worth. Estimate the cost of the damage and have him work until he has paid for it.

4. Corporal Punishment

Whether corporal punishment should have a place in the discipline of children is still a matter of debate. The greater weight of argument seems to be on the side of those who condemn its use as unnecessary and futile. It may be too much to expect that the average person handling large groups of children is able to understand every child under his charge, but it may be asserted confidently that whenever a person finds it necessary to resort to corporal punishment in dealing with a child he has failed in some way in that particular case. A succesful disciplinarian is one who is able to dispense with corporal punishment in the direction of chldren.

D. STUDENT COUNCIL

The organization of a Council of Student Government is one of the best means of allowing a child to use his own experience in the development of character as it trains him in self-reliance and self-control. There should be some older persons to direct the work of the council so that the children may not assume too much authority.

When children realize that they have a part in the administration of justice they become better citizens, and the morale of the institution is strengthened. Many cases of discipline may be handled most effectively by the council.

E. THRIFT

In order to teach the importance of thrift, children should be given an opportunity to earn money by their own efforts in connection with the work of the institution. They should be taught to make small contributions to good causes and be allowed to assist in the purchase of their clothing so as to see how to make money cover their needs. They should be trained in systematic saving and given an opportunity of investing their money either within the institution or without.

F. RESPONSIBILITY FOR OTHERS

In the normal family group the welfare of each member in relation to the group is of great importance. In the same way some opportunity should be

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Every man has three characters—that which he exhibits, that which he has, and that which he thinks he has.—Karr.

given institutional children to think in terms of each other. This could very easily be done by teaching older children to care for and train the younger ones. The playground affords a splendid opportunity for training as does the meal hour.

G. BOY AND GIRL SCOUT ORGANIZATIONS

The ideals and principles of the Scout organizations are so good that every child should be given an opportunity of becoming a Scout. Full information regarding work may be had by writing Scout Headquarters, New York.

H. LITERARY SOCIETIES

Children need to gain confidence in themselves and thus prepare to become leaders in the community when they reach maturity. An excellent plan for developing these leaders is through the work of the literary society. It should be coördinated with the actual school work and the older pupils made responsible for the program.

L. SUMMER CAMP

One of the most successful ways of making children happy and of training them along definite lines is through the organization of a summer camp. The routine work may be so organized that it will become a means of instruction and the children will look forward to their part in the day's duties.

During the year the camp may be made an incentive to good work, and thus continue its influence.

J. CONTACTS WITH COMMUNITY

Opportunity should be given the children to come in contact with other people of the community as often as possible. This may be done in the following ways:

1. Allow children to visit in homes of families in the community.
2. Invite other children to be guests of the institution.
3. Allow children to take part in exercises and exhibits at county fair and county school commencement.
4. Arrange competitive meets in athletics and literary contests.

7. RECORDS

No part of the work of an institution is so frequently misunderstood and neglected as that of keeping adequate records. One is apt to overlook the fact that records are kept by every individual and family and that they play a vital part in the simplest human relationships of everyday life. As a rule many minute details of the family are not written but are preserved by the bonds of affection and common interest.

No institution should make the permanent surrender of a child one of the conditions of admission. It is inhuman to require a parent, at a time of great stress, to give up all claim to his child in order that he may receive the necessaries of life which at that time he is unable to furnish.

When children become dependent and pass from the care of their own parents into that of a children's institution, all essential facts of personal

and family history should be collected and recorded. Every child has a right to such information regarding his own family, and it is the duty of the institution to provide it.

In order to know what is actually being done in an institution, accurate records of every department should be kept. These records divide themselves into four groups as: social, general, financial, and the annual report.

A. SOCIAL

It is important that every institution make a special study of the child before admission in order to be satisfied that every possible means of keeping the family together has been exhausted. In order to give the child the most intelligent care and training, it is necessary to secure all available knowledge concerning his family history and environment.

This information may be secured by a trained worker who is a member of the staff of the orphanage, usually known as an institutional visitor. A study of the child and his family, including living relatives, help the institution determine whether or not the child should be admitted. If the worker finds that there should be other means of caring for the child, the institution should refuse to accept him, and the case should be referred to the local superintendent of public welfare.

1. Admission

After the worker has made a thorough investigation of the child and his family and decided that he should be admitted, there are certain requirements that should be met and that may be stated as follows:

a. PHYSICAL EXAMINATION. Every child admitted should be given a thorough physical examination by the physician employed by the institution. All children needing hospital care should receive it before beginning their stay in the institution.

b. MENTAL EXAMINATION. Mental tests should be made of all children whose personal or family history indicates possible mental defects.

c. HISTORY OF CHILD'S FAMILY. A child is influenced not only by his parents but by others in the family group, and it is therefore necessary to get as much information as possible about his mother, father, sisters, brothers, grandparents and other near relatives. This information should include ages, addresses, occupations, places of birth, previous or later marriages, mental and moral standards, health and habits of life. All this should be secured by the trained worker when she visits the family.

2. Records of Child During Stay in Institution

There should be a complete record of the child during his stay in the institution. This record may be kept as follows:

a. SCHOOL RECORD. Every child has the right to know his progress in school, and individual report cards should be given at frequent intervals.

b. HEALTH RECORD. Thorough physical examinations should be made once a year and the information put on individual blanks. Whenever there is corrective work to be done, it should be put on the blank. This applies also to any contagious diseases.

c. SOCIAL RECORD. Changes in status of child's family during his stay in the institution should be recorded, and also any special happenings in the child's own life which may be of value in estimating his development.

Human improvement is from within outward.—Freude.

3. Discharge

No child should be discharged until the institutional worker has investigated the home and is assured that the child will receive proper care and training. Children should be returned to parents or relatives as soon as they are found able to care for them.

Normal children who are permanently dependent and for whom there is no possibility of family rehabilitation should be placed in foster homes at as early an age as possible. Careful investigation before placement and frequent visits thereafter are necessary to accomplish the best results.

Children should be discharged as follows:

a. To Parents or Relatives. Parents and relatives should be made to assume their responsibility when they are able to care for them. This should be determined by a personal visit from the worker of the institution.

b. To Other Institutions. Discharge to other institutions should be made only after thorough study of the history of the child and a knowledge of the ability of other institutions to give the special treatment needed.

c. To Placement in Private Homes. It is generally recognized that the best place for a normal child is a normal home, and such children without families should be so placed. No child should be placed until a careful investigation has been made by the trained worker from the institution so as to determine whether or not the child and the home will be suited to each other.

Placed-out children should be visited at least annually and as much oftener as the welfare of the child requires. Running accounts of the visits should be written and placed in the child's folder at the institution.

d. To Employment. No institution should consider placing a child in employment until he has met the State requirements of child labor. The child should be prepared to do the work for which he is employed, and the institution should see that the conditions under which the child works are satisfactory.

Complete records of the placement of each child should be kept, together with a full report of all visits paid by representatives of the institution.

4. After Care

"Every institution for children," says Dr. Hastings Hart, "should make it a matter of conscience and pride to keep track of those who have formerly been in its care. It is a great satisfaction and encouragement to learn of those who have made good and who have become useful members of the community. On the other hand, it is instructive to know of those who have not succeeded in life, with a view to ascertaining the reason and discovering how the work of the institution may be modified in order to secure better results in the future."

All children who have been placed out need supervision, but the ones who have been put in foster homes or employment need closer supervision until they have become adjusted to their new surroundings. This can be most effectively done by a trained worker who is employed by the orphanage.

The organization of an alumni association is one good way of keeping in touch with those who have gone out. In this way the former students assist the institution in finding out what their associates are doing, and all look forward to the annual "Home-Coming Day," which should be observed at least once a year.

The work of the children should be encouraged, but child labor is discountenanced by the civilized world.

B. GENERAL

Complete records touching the work of every department of the institution should be kept on file. Daily report sheets from the cottages and other departments keep the superintendent informed as to the general routine work and make it possible for him to keep in touch with the work when the problem of saving time is an urgent consideration. It is well to secure memoranda from the cottage mothers and other officers as to the special problems or needs which arise in their departments.

There should be kept a personal record of all employees. This usually takes the form of application blank with account of work done in institution, and attached letters.

C. FINANCIAL

There is a need for a uniform system of keeping accounts in all institutions so that the "maintenance and operation of plant" means the same in each. This system to include:

1. A balanced budget made at the beginning of the year in order to plan to keep within the income of the institution.
2. Record of all receipts with name of contributor, address, date and amount.
3. Itemized statement of goods purchased checked against disbursements before bills are paid.
4. Bank balance verified at end of each month and a monthly statement of receipts and expenditures, assets and liabilities prepared regularly and submitted to the board.
5. Books audited annually by certified accountant.

D. ANNUAL REPORT

The task of preparing periodical reports of the work of the institution is usually more or less arduous. One of the reasons for this is that very little attention is given to planning in advance for collecting the necessary material.

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There are many splendid books, bulletins and magazines that should be in every library. The list here given is selected for the purpose of rendering practical assistance in subjects relating to child-care.

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Good homes rather than creed form a child's character and develop correct morals.

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LAWS AND RULINGS

GOVERNING THE ELECTION

OF

SUPERINTENDENTS OF PUBLIC WELFARE

SPECIAL BULLETIN No. 6

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1925

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FOREWORD

At the request of Mrs. Kate Burr Johnson, Commissioner of Public Welfare, the election laws, rulings of the Attorney-General and the rulings of the State Board of Charities and Public Welfare regarding the election and approval of county superintendents of public welfare are herewith compiled. According to the statute all superintendents must be elected the "second Monday in July," which falls on July 13th this year.

This compilation is sent to the Members of the boards of county commissioners and boards of education, as these two official bodies must "meet in joint session" in order to elect a superintendent of public welfare, and to county boards of charities and public welfare as this board must approve all applicants.

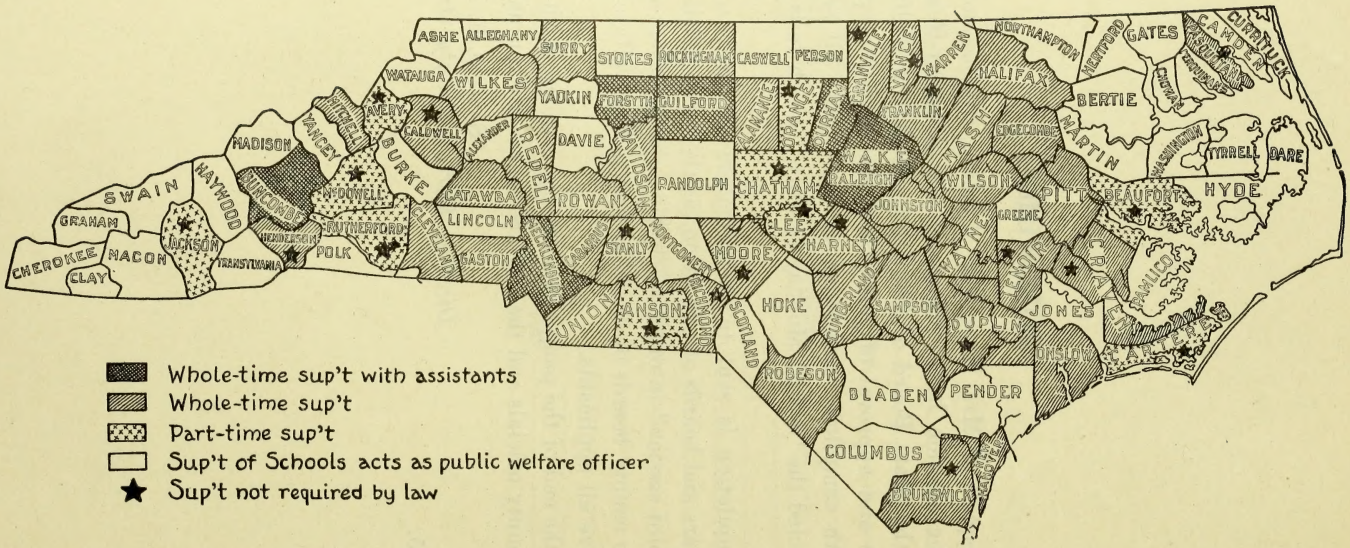
Toward the end of the pamphlet there is a section which contains laws in which county officials and the welfare boards are mutually interested.

SAMUEL E. LEONARD,
Director Bureau County Organization.

May 1925.

DISTRIBUTION OF SUPERINTENDENTS OF PUBLIC WELFARE

As of June 30, 1924



ELECTION OF COUNTY SUPERINTENDENT OF PUBLIC WELFARE

C. S., 5016, Vol. 3. *Election.* On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years and until his successor is elected and qualified. The county superintendent of public instruction shall serve as secretary of the joint meeting, and make permanent record of the proceedings, and issue all notices and reports necessary, previous and subsequent to the meeting. The person elected county superintendent of public welfare shall be qualified by character, fitness and experience to well discharge the duties thereof. No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed immediately in like manner to elect another person. In case of a tie vote, the matter may be referred for decision to the State Board of Charities and Public Welfare. A joint session of the two boards may be held at any time on the call of the chairman of either board for the purpose of discussing the work relating to the office; and a superintendent may be dismissed by joint action for proven unfitness or failure in the performance of duty and his successor elected. It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible results in carrying out the intention of this act. The joint meeting shall fix the salary of the county superintendent of public welfare, which sum shall be sufficient to secure the services of a well qualified person and one-half of which shall be paid from the funds of each board, and a reasonable expense fund shall be provided by each board carrying on the work, which sum shall be separate from that allowed as salary for the county superintendent. In counties having a population of less than thirty-two thousand (32,000) by the census of nineteen hundred and twenty, and in counties where, on January first, nineteen hundred and twenty-one, the superintendent of education was performing the functions of county superintendent of public welfare, the board of county commissioners shall have the option of taking part or of not taking part in the election of a county superintendent of public welfare, and where the county commissioners do not desire to so participate, the county superintendent of public instruction shall become *ex officio* county superintendent of public welfare. Whenever by such action a county superintendent of public in-

struction becomes *ex officio* county superintendent of public welfare, he shall receive no salary in addition to that received as county superintendent of schools, but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. All such duties shall be as binding upon the county superintendent of public welfare as they would be in case he were not county superintendent of schools. Every county superintendent of public welfare shall make such reports of his work to the county board of education and the board of commissioners as said boards may require.

RULINGS OF THE ATTORNEY-GENERAL REGARDING THE ELECTION OF THE COUNTY SUPERINTENDENT OF PUBLIC WELFARE

RALEIGH, July 5, 1921.

MRS. CLARENCE A. JOHNSON, *State Board of Charities and Public Welfare, Raleigh, N. C.*

DEAR MRS. JOHNSON: The General Assembly of 1921, Chap. 128, of the Public Laws, requires the county superintendent of public welfare to be elected on the second Monday in July, 1921, and on the second Monday in July every two years thereafter. The old section 5016 of the C. S., required this election not later than July 15. In both statutes he was elected at a joint meeting of the Board of Commissioners and the County Board of Education. Under the old statute his tenure of office was at the pleasure of the Board; under the new, he is given a definite term of office, two years. It is important then that the election should be held and the term commence at the time fixed by the Legislature, the second Monday in July. The Legislature evidently intended that the terms of all incumbents should expire at that time, it makes no difference when they were elected. While it may be that an election held at a later period would not be invalidated thereby, yet it is important for more reasons than one that the election should be held at the regular time. Yours very truly,

JAMES S. MANNING,
Attorney-General.

RALEIGH, July 7, 1921.

MRS. CLARENCE A. JOHNSON, *State Commissioner of Public Welfare, Raleigh,* N. C.

DEAR MRS. JOHNSON: You ask this office to interpret the following provision of Chapter 128, Public Laws 1921, with reference to the manner of the election of county superintendents of public welfare:

> On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years, and until his successor is elected and qualified. The county superintendent of public instruction shall serve as secretary of the joint meeting, make permanent record of the proceedings and issue all notices and reports necessary previous and subsequent to the meeting.

There are two legal deductions from the use of the terms "joint session" in the connection in which they are used: First, there must be a quorum of both the board of education and of the board of county commissioners present before a joint session can be held, and second, these quorums being present, the various members of the two bodies, when in joint session, vote as individuals composing the joint meeting. This being true, the meeting itself selects its own presiding officer. That presiding officer has a vote as a member of the joint session, but none to break the tie, the statute expressly providing that in case of a tie vote the matter may be referred to the State Commissioner of Public Welfare. The view we have adopted, that is the joint session elects its own presiding officer, is given force by the express provision of the statute that a county superintendent of public instruction shall serve as secretary of the joint meeting. If the Legislature had intended that the chairman of the county board of education should preside over this joint session, it would have so declared. As it is, they are as eligible to be elected chairman of the joint session as any other member of either of the bodies composing that joint session.

Yours very truly,

JAMES S. MANNING,
Attorney-General.

RALEIGH, N. C., August 20, 1921.

MRS. CLARENCE A. JOHNSON, *Raleigh, N. C.*

DEAR MRS. JOHNSON: Chapter 128, Public Laws of 1921, contains this provision:

> On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years and until his successor is elected and qualified. . . . The person elected county superintendent of public welfare shall be qualified by character, fitness and experience to well discharge the duties thereof. No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare.

In our letter to you of July 7th interpreting the terms "joint session," we wrote the following:

> There are two legal deductions from the use of the terms "joint sessions" in the connection in which they are used: First, there must be a quorum of both the board of education and of the board of county commissioners present before a joint session can be held, and second, these quorums being present, the various members of the two bodies, when in joint session, vote as individuals composing the joint meeting.

As, in many of the counties of the State, the board of county commissioners is composed of five members, whereas the county board of education is composed of three members, the former body in these counties, necessarily has a controlling influence in the selection of a county superintendent of welfare. For this reason the Legislature further declared:

> It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible result in carrying out the intention of this act.

As a further protection against the improvident or unwise action of the joint session, the act submits the election of the county public welfare officer to the State Board of Charities and Public Welfare, as quoted above. You ask the opinion of this office as to the extent of this veto power. It seems to us that the statute itself is specific in this regard:

> The person elected county superintendent of public welfare shall be qualified by character, fitness and experience to well discharge the duties thereof.

It is a very important office and the whole purpose of the act may be frustrated in a particular county by the election of an improper, unfit or inexperienced person. The determination of fitness is placed by the Legislature wholly in the power of the State Board of Charities and Public Welfare. We do not interpret the word "experience" as requiring that the person elect should have been an incumbent of the office before, but as requiring that person to have manifested his sympathy with the general purposes of the act by his previous experience.

As we have heretofore ruled, we regard the time of election second Monday in July, as directory and not mandatory, so an election held on the second Monday of August would not be void unless for some reason an adequate quorum, as heretofore defined to you, is not present at that time. We return the two letters left with us.

(Signed) James S. Manning,
Attorney-General.

Raleigh, N. C., August 8th, 1923.

Mrs. Kate Burr Johnson, *State Commissioner of Welfare, Raleigh, N. C.*

Dear Madam: It seems that in one of the counties of the State the county boards in joint meeting at the proper time, the second Monday in July, 1923, elected a County Superintendent of Public Welfare. The person then elected was refused a certificate of fitness from your board and you notified the two boards of the county to that effect. You

inquire upon this whether the two boards have authority to postpone the election of a County Superintendent of Public Welfare in that county until the first Monday in December; thus leaving the present incumbent of the office to hold over until that time. We think not. The statute upon this is mandatory.

> No one so elected shall begin the work in this position until he shall have received a certificate of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed *immediately* in like manner to elect another person.

We construe this as requiring the two boards to meet in joint session immediately upon receiving notice of the disapproval of the State Board of the person previously elected.

Yours truly,

JAMES S. MANNING,
Attorney-General.

RALEIGH, N. C., August 28th, 1923.

MRS. KATE BURR JOHNSON, *Commissioner State Board of Charities and Public Welfare, Raleigh, N. C.*

DEAR MADAM: In reply to yours of August 28th . . . . The statute, chapter 128 of the Public Laws of 1921, in referring to the election of county superintendent of public welfare, declares:

> No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed immediately in like manner to elect another person.

In a letter written to you on August 20, 1921 (Biennial Report, 1921-22, pp. 187-188), in reply to a request from you to interpret the extent of this veto power, we wrote:

> It seems to us that the statute itself is specific in this regard: "The person elected county superintendent of public welfare shall be qualified by character, fitness and experience to well discharge the duties thereof." It is a very important office and the whole purpose of the act may be frustrated in a particular county by the election of an improper, unfit and inexperienced person. The determination of fitness is placed by the Legislature wholly in the power of the State Board of Charities and Public Welfare. We do not interpret the word "experience" as requiring that the person elected should have been an incumbent of the office before, but as requiring that person to have manifested his sympathy with the general purpose of the act by his previous experience.

If, therefore, the State Board of Charities and Public Welfare has refused to approve the election to the office of county superintendent

of public welfare of a particular person, then, of course, under the statute the election is void and the act itself requires the boards to meet again in joint session and elect some one else to the office. This seems to be the plain meaning of the law . . . .

Very truly yours,
James S. Manning,
Attorney-General.

Raleigh, June 16, 1921.

Mrs. C. A. Johnson, *Raleigh, N. C.*

Dear Mrs. Johnson: You ask the interpretation of this office upon the following which is part of Section 1, Chap. 128, Public Laws of 1921:

> In any county of less than 32,000 population, where the county commissioners do not desire to so participate, the county superintendent of public instruction becomes *ex officio* county superintendent of public welfare, he shall receive no salary in addition to that received as county superintendent of schools but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare.

It is clear that though the county superintendent of public instruction who becomes *ex officio* county superintendent of public welfare, is to receive no additional salary, yet he also is to be put to no additional expense. The expenses incurred in performing the duties of county superintendent of public welfare are provided for in this way. The county board of education with the approval of the board of commissioners must furnish him, and pay the cost of such furnishing, such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced, while the board of county commissioners must, from the general funds of the county, furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. The approval of the board of commissioners to the clerical or other assistance furnished him by the board of education must be interpreted in the light of the preceding declaration of the legislature.

> It is hereby declared to be the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual coöperation for the purpose of obtaining the best possible results in carrying out the intention of this act.

The approval required of the county commissioners then does not extend to a positive veto to supplying the superintendent with the cleri-

cal or other assistance. The statute expressly requires that these should be furnished to him. It extends only so far as to give the county commissioners authority to determine jointly with the board of education the amount, the cost and the personnel of the clerical assistance furnished. We think also that the requirement upon the county commissioners to furnish a reasonable expense fund is mandatory, with the determination of its reasonableness a matter for them in the first instance. We think there is nothing in the act which gives the board of county commissioners a veto upon any of its provisions, except that they may or may not take part in an election of a county superintendent of public welfare in counties of the description contained in Sec. 1, a portion of which is quoted above.

Yours very truly,

(Signed) JAMES S. MANNING,
Attorney-General.

POSITION OF THE STATE BOARD

It is the purpose of the State Board of Charities and Public Welfare to coöperate with the officials of the several counties in electing superintendents of public welfare who are "qualified by character, fitness and experience to well discharge the duties of the office." To this end the State Board is interested in the applicant's:

1. Education.
2. Special training.
3. Experience.
4. Health and activity.
5. Moral character.
6. Tact in dealing with people.
7. Sympathy and love for children.
8. Willingness to take further training.

The Board is not interested in the sex of the applicant, or what church denomination or political party he belongs to. Public Welfare work is so strenuous that it calls for those who are most active physically, and the strongest morally and spiritually. It calls for men or women who are four-square and when such persons are selected criticism for welfare work ceases and interest and coöperation in the work follow.

In order to have a guide as to what constitutes a "qualified" person the State Board has passed what it has termed "minimum requirements" for superintendents. These requirements are too low in many respects, but the field of public welfare is so large and trained workers are so few that the Board thought it was wise to make the requirements minimum and then strike as far above as possible. The Board is fully aware of the impossibility of putting on paper the necessary requisites of a good superintendent. Personality cannot be measured that way and in welfare work personality counts. High idealism, faithfulness to duty, ability to withstand hardships and meet difficult situations, fearlessness to stand for the right, these are some of the attributes of a good worker. The selection of a superintendent of public welfare, therefore, is no light duty for county officials, but should be done with serious deliberations.

While the State Board, under the law, has no voice in the election of a superintendent, each election must have the approval of the State Board before the election is effective. Because of this part of the law the State Board offers its services to counties in "weeding out" applicants prior to elections, where there are several candidates for election. By this it means that it will pass on the technical qualifications of ap-

plicants and say which applicant could be approved from a technical standpoint if elected. This would enable county officials to select a superintendent from a small group of applicants and would insure an approval from the State Board. With few exceptions the county officials and the State Board are working toward the same end, that is, the selection of the best available person, man or woman, for superintendent of public welfare. While the State Board may make mistakes it can state with the utmost candor that it is continually striving to raise the standards of workers and in order to carry out this ideal it is asking that the county officials of the several counties mutually cooperate that this may be brought about.

MINIMUM QUALIFICATIONS FOR SUPERINTENDENT OF PUBLIC WELFARE

In approving the appointment of county superintendent of public welfare, the State Board of Charities and Public Welfare considers certain qualifications essential. These are:

1. The applicant should have had at least a high school education, and preferably some college work.
2. He should be less than forty-five years old unless he has had special training for social work.
3. He should be in good physical condition.
4. He should be tactful and sympathetic in dealing with people.
5. He should have shown some desire to do social work by having been actively interested in Red Cross Work, church, charity, educational, or civic work.
6. He should have a good moral character.
7. He should have the recommendation of the County Board of Charities and Public Welfare.
8. He should be willing to take the training provided each summer at the University of North Carolina by the School of Public Welfare of the University, and the State Board of Charities and Public Welfare.

The following blank is sent to all persons who apply for the position of Superintendent of Public Welfare in order that the State Board may be informed as to the qualifications of the applicant:

INFORMATION

FOR THE

STATE BOARD OF CHARITIES AND PUBLIC WELFARE, RALEIGH, N. C.

Signature ..... Age..... Married.....
Present Address .....
Permanent Address .....
Present Position .....Dates of Service.....
Member Church .....
Reared in Country.....Town (Give Population).....
Any Physical Defects.....
.....

Educational and Professional Training

Name of School	Dates	Degree or Work Accomplished
High School		
College		
Graduate Work		
Summer School		
.....		
.....		

Past Professional Experiences

Name of Organization	Address	Title of Position and Dates of Service

Special Achievements in Social Work.....
(Office Held in County, State or Social Work Organization)

Give Five References (Former Employers Preferred).....

NOTE. Add by letter additional information that will give a more complete estimate of your training and experience especially in regard to rural work.

COMPARATIVE COST OF WELFARE WORK IN NORTH CAROLINA IN THE FIFTY-FIVE COUNTIES HAVING WELFARE DEPARTMENTS

Eighty-one per cent of the wealth of the State is listed in these counties.

NOTE. Figures are based on the relation of the county welfare budget to the amount of taxable property in the county, according to the 1923 report of the Commissioner of Revenue. The amounts have been translated into the number of cents on each $1,000 worth of taxable property.

Brunswick	.14	Vance	.097
Caldwell	.13	Jackson	.095
Granville	.12	Sampson	.087
McDowell	.11	Wilkes	.084
Franklin	.11	Wayne	.084
Henderson	.11	Lenoir	.082
Nash	.10	Halifax	.077
Harnett	.10	Mecklenburg	.075
Rockingham	.07	Catawba	.072
Johnston	.06	Pasquotank	.072
Wake	.06	Robeson	.069
Cumberland	.099	Duplin	.069

Surry	.068
Iredell	.066
Richmond	.065
Stanly	.064
Davidson	.061
Mitchell	.059
Guilford	.058
Pitt	.057
Cleveland	.055
Edgecomb	.053
Moore	.051
Avery	.049
Durham	.049
Forsyth	.049
Alamance	.047
Union	.046
Carteret	.045
Wilson	.045
New Hanover	.044
Gaston	.044
Cabarrus	.043
Rutherford	.043
Rowan	.034
Beaufort	.033
Anson	.024
Buncombe	.024
Lee	.019
State average	.067

Chatham, Craven, Onslow, Orange. Not listed. Data not in hand.

PER CAPITA COST OF WELFARE WORK IN THE FIFTY-FIVE ORGANIZED COUNTIES IN NORTH CAROLINA

NOTE. Seventy-four per cent of the State's population live in the fifty-five counties that have Welfare Work. Sixty per cent of the area in these counties.

McDowell	.14
Mecklenburg	.13
Caldwell	.12
Henderson	.11
Guilford	.10
Granville	.10
Brunswick	.10
Durham	.097
Vance	.094
Wayne	.091
Forsyth	.09
Cumberland	.085
Harnett	.085
Nash	.085
Stanly	.082
Lenoir	.081
Richmond	.078
Pasquotank	.078
Iredell	.078
Jackson	.077
Catawba	.07
Halifax	.068
Rockingham	.067
Franklin	.067
Duplin	.066
Wake	.066
Pitt	.065
New Hanover	.061
Gaston	.06
Wilson	.057
Davidson	.057
Cleveland	.056
Moore	.056
Robeson	.055
Cabarrus	.053
Sampson	.053
Avery	.052
Johnston	.051
Surry	.045
Alamance	.047
Edgecombe	.047
Carteret	.04
Mitchell	.04
Rowan	.04
Wilkes	.04
Union	.038
Buncombe	.035
Rutherford	.032
Beaufort	.032
Anson	.019
Lee	.015
State average	

Chatham, Craven, Onslow, Orange. Not listed. Data not in hand.

POWERS AND DUTIES OF SUPERINTENDENTS

C. S. 5017. *Powers and duties of county superintendent.* The county superintendent of public welfare shall be chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.
2. To act as agent of the State board in relation to any work to be done by the State board within the county.
3. Under the direction of the State board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.
4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.
5. To have oversight of dependent and delinquent children, and especially those on parole or probation.
6. To have oversight of all prisoners in the county on probation.
7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.
8. Under the direction of the State board, to have oversight over dependent children placed in the county by the State board.
9. To assist the State board in finding employment for the unemployed.
10. To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.

ASSISTANTS TO SUPERINTENDENT OF PUBLIC WELFARE

C. S. 5049. *Probation officers; appointment and discharge; compensation.* The judge of the juvenile court in each county shall appoint one or more suitable persons as probation officers who shall serve under his direction. The appointment of such probation officers shall be approved by the State Board of Charities and Public Welfare.

The county superintendent of public welfare shall be the chief probation officer of every juvenile court in his county, and shall have supervision over the work of any additional probation officer which may be appointed.

The judge appointing any probation officer may discharge such officer for cause after serving such officer with a written notice, but no probation officer shall be discharged without the approval of the State Board of Charities and Public Welfare.

The judge appointing any probation officer may, in his discretion, determine that a suitable salary be paid, and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determind and so approved shall be paid by the board of county commissioners, but no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Charities and Public Welfare.

The State Board of Charities and Public Welfare shall establish rules and regulations pursuant to which appointments under this article shall be made, to the end that such appointments shall be based upon merit only.

The appointment of a probation officer shall be in writing and one copy of the order of appointment shall be delivered to the officer so appointed and another filed in the office of the State Board of Charities and Public Welfare.

C. S. 5760. *Attendance officers; reports; prosecutions.* The State Superintendent of Public Instruction shall prepare such rules of procedure and fur-

nish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendence officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and governing bodies of city schools shall have the right to appoint town or district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in towns or cities having special attendance officers paid out of town or city funds said officers shall have full authority to prosecute for violation of this article:

JOINT CITY AND COUNTY WELFARE WORK

C. S. 5018. *Joint city and county welfare work.* In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county board of charities and public welfare as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are authorized to make such provision for the expense of carrying on the work as they may deem advisable, and may delegate to the county board of public welfare all necessary power.

C. S. 5062. *City juvenile courts and probation officers.* Every city in North Carolina where the population was by the census of one thousand nine hundred and ten,* ten thousand or more shall maintain a juvenile court, to which is hereby given the powers, duties, and obligations of this act to be exercised within their territorial boundaries. Such city juvenile courts shall conduct their business in accordance with the procedure set forth in this act as applying to the county juvenile court. It is hereby made the duty of governing bodies of such cities to make provisions for such courts and bear the expense thereof, either by requiring the recorder to act as a juvenile judge, or by the appointment of a separate judge. The governing bodies of such cities shall also appoint one or more assistant probation officers, who shall serve within its jurisdiction under the general supervision of the chief probation officer of the county, which chief probation officer of the county is hereby made the chief probation officer of the city court herein provided for. The salary of the chief juvenile court judge shall be fixed and paid by the governing body of the city, and such governing bodies are hereby given authority to expend such sums from the public funds of the city as may be required to carry this act into effect.

In case it may appear to the governing bodies of such cities herein described that it would be best to allow the county juvenile court to transact the business of the city, they may make such provisions and agreements with the county commissioners for the expense of the joint court as may be agreed upon, and in such event, such a city is hereby permitted to make such arrangement in lieu of establishing a city juvenile court. But in case the county commissioners will not agree to such arrangement, then the city must establish a juvenile court, as provided in this section.

*Note amendment immediately following.

Any town of five thousand population, which is not a county seat and in which there is a recorder's court, may, if deemed advisable and necessary by the governing body, provide for the conduct of a juvenile court within the territorial jurisdiction of such recorder's court: *Provided*, that the provisions and procedure of this chapter are fully followed as in case for towns of ten thousand inhabitants.

Chap. 193, Public Laws 1923. *Population for city juvenile court.* That section five thousand and sixty-two of the Consolidated Statutes be amended by striking out the word "ten" when said word first appears in line three, and inserting in lieu thereof the word "twenty."

Chap. 85, Public Laws, Extra Session, 1920.

Section 1. That section two of chapter ninety-seven of the public laws of North Carolina, one thousand nine hundred and nineteen (C. S., sec. 5040) be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that in counties, where the county seat is a city containing twenty-five thousand inhabitants, or more, the board of commissioners of such counties shall have the right in their discretion to coöperate with the governing body of such city in the election of a judge of a juvenile court provided for in section twenty-four of said act, which judge when so elected shall perform all the duties, and possess all the powers and jurisdiction conferred upon the judge of the juvenile court of such cities by said act, such judge to be so elected by the joint action of the governing bodies of such city and county shall hold office for the term of one year, and until his successor shall be duly elected, and the county availing itself of the provisions of this act shall pay said judge for services rendered the county (outside of city) such sum as the county commissioners of said county shall deem just and proper.

COMPENSATION OF JUVENILE COURT JUDGES

C. S. 5059. *Compensation of judges.* The judge of the juvenile court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the Superior Court.

RALEIGH, N. C., July 23, 1923.

MR. W. L. PLOTT, *State Auditor's Office, Raleigh, N. C.*

DEAR SIR: You ask this office what is an allowable compensation for the judge of the juvenile court of the county, and how it is to be paid. C. S., sec. 5059, answers this question very clearly and distinctly:

> The judge of the juvenile court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the superior court.

This statute contemplates that the board of county commissioners shall provide a fixed sum as compensation for the judge of the juvenile

court, which fixed sum must be reasonable in amount considering the circumstances in the county, and the amount of work to be done by the judge, and the sum so fixed is to be paid out of the general funds of the county treasury. We think this statute is so definite that the county commissioners would not have authority to allow the judge of the juvenile court fees from whatever source derived., instead of a fixed salary.

Very truly yours,

JAMES S. MANNING,
Attorney-General.

MOTHERS' AID

AN ACT TO AID NEEDY ORPHAN CHILDREN IN THE HOMES OF WORTHY MOTHERS

The General Assembly of North Carolina do enact:

Section 1. That the boards of county commissioners of the several counties of the State are hereby authorized, in their discretion, to make an allowance to any eligible mother (as hereinafter explained and defined) for her support, where she is left with a child or children under fourteen years of age, under the conditions hereinafter set forth.

Sec. 2. That the county board of charities and public welfare of any county, after investigation by the county superintendent of welfare may determine what amount within the provisions of this act is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age.

Sec. 3. That the maximum amount to be allowed per month under this act shall not exceed fifteen dollars for one child, ten dollars additional for the second child, and five dollars additional for the third child, or any excess of three: *Provided*, the total amount shall not exceed forty dollars, except in extraordinary circumstances in which it appears to the satisfaction of the board of county commissioners that a total of forty dollars per month would be insufficient to secure the purposes above set forth.

Sec. 4. That to be eligible to apply for mother's aid a woman must be the mother of a child or children under fourteen years of age, a resident of the State of North Carolina for three years, and a resident of the county for one year preceding, and possessed of sufficient mental, moral, and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any relative or charitable organization, the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be ncessary, in their opinion and judgment.

Sec. 5. That any board of county commissioners taking advantage of the provisions of this statute may require that the report of the investigation of the county superintendent of welfare in every case shall be presented to

and approved by the judge of the juvenile court in that county before making an appropriation.

Sec. 6. That the State Board of Charities and Public Welfare shall have general oversight of the administration of this act with the view to making it uniform throughout the State; shall furnish all necessary blanks and give such advice and help as it can in order to aid in efficiently securing its purpose. The county superintendent of public welfare shall make his report on any case to the board of county commissioners in duplicate, one copy of which shall be forwarded at once, with the action of the board of county commissioners endorsed thereon, to the State Board of Charities and Public Welfare, and one filed by the board of county commissioners with its records in the case. The State Board of Charities and Public Welfare shall at once notify the board of county commissioners its approval or disapproval for reimbursement as provided in section eight of this act, and the said board may suggest additional requirements for the consideration of the board of county commissioners.

Sec. 7. That after investigation by the county welfare officer, when the board of county commissioners shall adjudge that a mother is entitled to aid under this act, said board of county commissioners shall determine the monthly amount that the board of county commissioners may allow and order its treasurer in writing to pay said amount to the person designated by it and continue the same monthly until the order be changed or the expiration of the time for which the order is limited.

Sec. 8. That at the end of each fiscal quarter the treasurer of the county wherein aid has been granted shall furnish an itemized statement in each case of amounts paid, duly certified by him under oath, to the State Board of Charities and Public Welfare. If each case thereon shall have been approved by the State Board of Charities and Public Welfare and all required regulations of this act shall have been fulfilled, the State Board of Charities and Public Welfare shall certify the account to the State Treasurer, whereupon the State Treasurer shall immediately make out and forward to such county treasurer his voucher for one-half of the total amount certified as having actually been paid out by the county. Such voucher shall be made out against any fund in the treasury not otherwise appropriated: *Provided*, the total amount for the State shall not exceed a maximum of fifty thousand dollars ($50,000) per year, to be apportioned among all the counties on a per capita basis: *Provided*, that the proportionate share of any county not availing itself as above provided by this act shall remain in the hands of the State Treasurer until otherwise appropriated.

Sec. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 26th day of of February, A.D. 1923.

AN ACT TO AMEND SECTION 5067(h), CONSOLIDATED STATUTES, VOLUME 3, IN REGARD TO THE APPORTIONMENT OF THE MOTHERS' AID FUND

The General Assembly of North Carolina do enact:

Section 1. That section 5067(h) of the Consolidated Statutes, Volume 3, 1924, be and the same is hereby amended by striking out that part of the last sentence of said section, beginning with the word "provided" after the

words "per capita basis," in line 13 and continuing to the end of the section, and by substituting in lieu thereof the following: *Provided*, that if the boards of county commissioners of any county shall fail to enter into an agreement with the State, on or before the first Monday of June, 1925, or on or before the first Monday in June of any succeeding year, that they will meet the State apportionment for Mothers' Aid in such counties for the ensuing fiscal year, in accordance with the provisions of this act, then the amount apportioned to that county shall revert to the general Mothers' Aid Fund and be available for apportionment to the counties complying with the provisions of this act, on the basis of the population of these counties.

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

Raleigh, July 25, 1924.

To the Superintendents Administering Mothers' Aid:

At the Public Welfare Institute in Chaped Hill Mothers' Aid work was discussed on July 14-15. A report of the survey made of the first 100 cases by Mr. G. H. Lawrence was given and discussed. The new application blanks were gone over carefully and changes noted and explained.

The most important discussion was perhaps that in regard to various perplexing questions that had come up during the year in regard to the eligibility of cases.

Desertion cases have caused trouble. The law is very elastic here, saying merely that "if it be found IMPOSSIBLE to require the husband to support her a woman is entitled to aid." This lets the gap down, too often we are apt to THINK it "impossible" before effort has been made to establish the fact. The discussion on this point was lively. In the face of the experience of other states that have had to state definitely the length of time the man has deserted before the mother can be considered eligible it was decided to make the minimum one year. This is a very short period in which to make sufficient effort to locate the man and attempt to have him assume his responsibility. The majority of states require from 3 to 7 years.

Another vexing problem is that of the physical incapacity of the husband. This, it was decided, must rest upon the result of a thorough physical examination by a physician and the examination must accompany the application. A Tuberculosis case would not be eligible or any other contagious or infectious case if the man is in the home.

Property qualifications were discussed but it was decided to make no rulings. Simply to study the individual cases as is the present custom.

Again the one-man roomer was discussed. Again the show of hands was against it. The moral risk is too great.

Already a case had come up when a mother widowed in 1921 had given birth to twins after receiving aid for six months. The Superintendents decided that in view of the fact that Mothers' Aid is just getting started that it will not be wise to lower the standards when there are many unquestioned cases needing aid. Such a mother should be visited and provision made for her through some other agency but she must come off the Mothers' Aid list.

It was decided too that since the State has the right of approving the cases that no county should check off a case without first conferring with the Director of Mothers' Aid.

The question of adequate grants was brought up. The superintendents agree that it is better to do constructive work with a few families—as far as the quota will allow—rather than to mark time with several.

Please note these policies in taking up new cases and keep this letter in your general folder on Mothers' Aid.

Sincerely yours. EMETH TUTTLE,
Directors Mothers' Aid.

P. S. It is essential that you notify us when you reduce or increase the monthly appropriation of your Mothers' Aid cases. There has been some confusion in keeping our books in shape because several of the Superintendents have failed to notify us of such changes.

COMPULSORY ATTENDANCE OF INDIGENT CHILDREN

C. S. 5763. *Investigation as to indigency of child.* That if affidavit shall be made by the parent of the child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents standing in *loco parentis* are unable to send the child to school for the term of a compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a *bona fide* effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its finding to the county board of education of the county, or in cities, to the city school board in which the case may arise.

C. S. 5764. *Aid to indigent child.* The county board of education shall in its discretion order aid to be given to the family from the Incidental Expense Fund of the county school budget to an extent not to exceed ten dollars per month for such child during continuance of the compulsory term, and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated, and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

North Carolina
State Board of Charities and Public Welfare

HANDBOOK ON MOTHERS' AID

by

Tuttle, Emeth.



SPECIAL BULLETIN NO. 7
ISSUED BY THE
NORTH CAROLINA STATE BOARD OF CHARITIES AND PUBLIC WELFARE
KATE BURR JOHNSON, COMMISSIONER
RALEIGH, N. C.
1926

GOAL

"Our goal is the development of the personality and character of the children under our care; we believe that the family is the natural cradle wherein the adequate growth of human beings may be best fulfilled; and we discover that development within the framework of the family is dependent upon the proper functioning of the growing child in relation to six fundamental factors: health, education, work, recreation, worship, and beauty. Each of the elements of normal living must correlate in some kind of rythmic fashion to render life harmonious and significant; and it is our duty to aid these children to function wholesomely on all six planes, for if one of these six elements be missing, the child's future will be crippled and distorted."

MARY F. BOGUE,
Director Mothers' Assistance Fund,
Harrisburg, Penn.

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FOREWORD

This Handbook, it is hoped, will find a place on the desk of every county superintendent of welfare administering Mothers' Aid. Heretofore this information has been sent out in form letters which were all too easily mislaid, or lost, and much time and postage has been needlessly wasted because of applications sent in only partially filled out and before the applicants had been fully investigated.

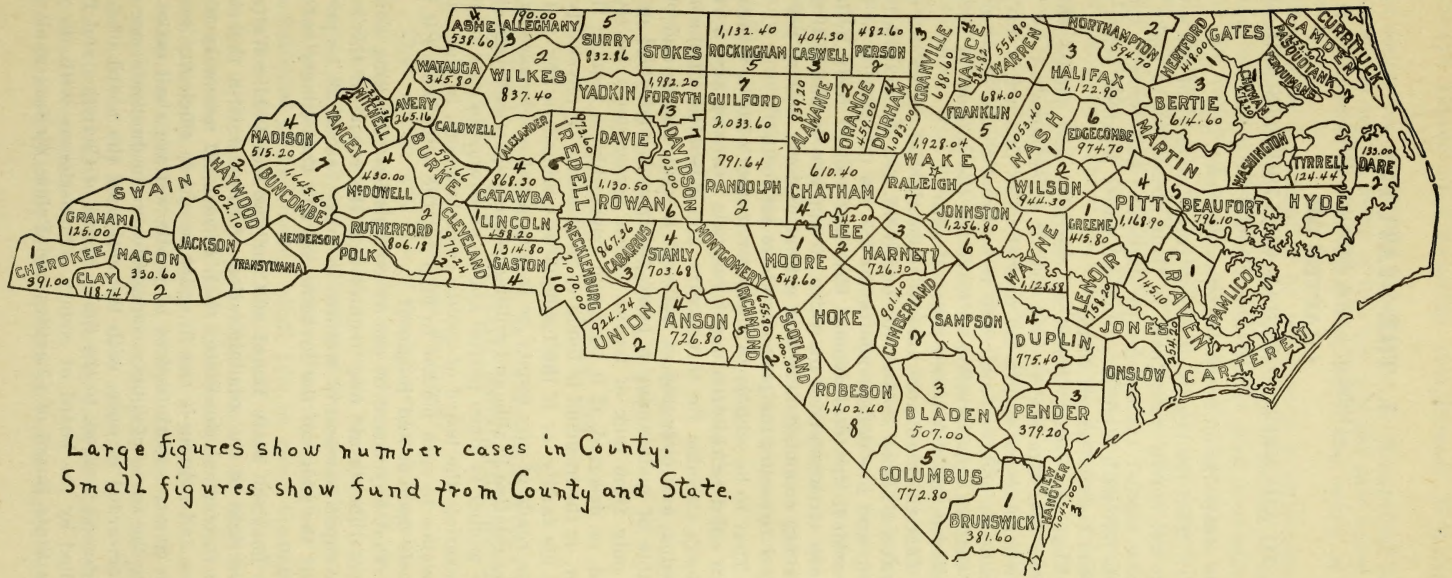
It is believed that if every superintendent of welfare and member of a county board of welfare will carefully study this little handbook that much time and touble will be saved the applicant, the county officials, and the State Director.

Special thanks are due Mr. George Lawrence, of the School of Public Welfare at Chapel Hill, for his study of two hundred cases, and Mrs. Kathleen B. Holding, secretary of the Mothers' Aid Department, for her help in compiling this material. The Manual for Mothers' Aid Assistance Fund of Pennsylvania, prepared by Miss Mary F. Bogue, has been of great assistance in writing this bulletin.

The Handbook, it is hoped, will also be of benefit to social workers in the State, other than superintendents of welfare, who are seeking help in problems of family welfare.

EMETH TUTTLE,
Director of Mothers' Aid.

MOTHERS' AID



Large figures show number cases in County.
Small figures show fund from County and State.

I. THE STATUTES

[Public Laws, Session 1923]

CHAPTER 260

AN ACT TO AID NEEDY ORPHAN CHILDREN IN THE HOMES OF WORTHY MOTHERS

The General Assembly of North Carolina do enact:

Section 1. That the boards of county commissioners of the several counties of the State are hereby authorized, in their discretion, to make an allowance to any eligible mother (as hereinafter explained and defined) for her support, where she is left with a child or children under fourteen years of age, under the conditions hereinafter set forth.

Sec. 2. That the county board of charities and public welfare of any county, after investigation by the county superintendent of welfare, may determine what amount within the provisions of this act is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age.

Sec. 3. That the maximum amount to be allowed per month under this act shall not exceed fifteen dollars for one child, ten dollars additional for the second child, and five dollars additional for the third child, or any excess of three: *Provided*, the total amount shall not exceed forty dollars, except in extraordinary circumstances in which it appears to the satisfaction of the board of county commissioners that a total of forty dollars per month would be insufficient to secure the purposes above set forth.

Sec. 4. That to be eligible to apply for mother's aid a woman must be the mother of a child or children under fourteen years of age, a resident of the State of North Carolina for three years, and a resident of the county for one year preceding, and possessed of sufficient mental, moral, and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any relative or charitable organization, the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be necessary, in their opinion and judgment.

Sec. 5. That any board of county commissioners taking advantage of the provisions of this statute may require that the report of the investigation of the county superintendent of welfare in every case shall be presented to and approved by the judge of the juvenile court in that county before making an appropriation.

Sec. 6. That the State Board of Charities and Public Welfare shall have general oversight of the administration of this act with the view to making it uniform throughout the State; shall furnish all necessary blanks and give such advice and help as it can in order to aid in efficiently securing its purpose. The county superintendent of public welfare shall make his report on any case to the board of county commissioners in duplicate, one copy of which shall be forwarded at once, with the action of the board of county commissioners endorsed thereon, to the State Board of Charities and Public Welfare and one filed by the board of county commissioners with its records in the case. The State Board of Charities and Public Welfare shall at once notify

the board of county commissioners its approval or disapproval for reimbursement as provided in section eight of this act, and the said board may suggest additional requirements for the consideration of the board of county commissioners.

Sec. 7. That after investigation by the county welfare officer, when the board of county commissioners shall adjudge that a mother is entitled to aid under this act, said board of county commissioners shall determine the monthly amount that the board of county commissioners may allow and order its treasurer in writing to pay said amount to the person designated by it and continue the same monthly until the order be changed or the expiration of the time for which the order is limited.

Sec. 8. That at the end of each fiscal quarter the treasurer of the county wherein aid has been granted shall furnish an itemized statement in each case of amounts paid, duly certified by him under oath, to the State Board of Charities and Public Welfare. If each case thereon shall have been approved by the State Board of Charities and Public Welfare and all required regulations of this act shall have been fulfilled, the State Board of Charities and Public Welfare shall certify the account to the State Treasurer, whereupon the State Treasurer shall immediately make out and forward to such county treasurer his voucher for one-half of the total amount certified as having actually been paid out by the county. Such voucher shall be made out against any fund in the treasury not otherwise appropriated: *Provided*, the total amount for the State shall not exceed a maximum of fifty thousand dollars ($50,000) per year, to be apportioned among all the counties on a per capita basis: *Provided*, that the proportionate share of any county not availing itself as above provided by this act shall remain in the hands of the State Treasurer until otherwise appropriated.

Sec. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A.D. 1923.

[Public Laws, Session 1925]

CHAPTER 292

AN ACT TO AMEND SECTION 5067 (h), CONSOLIDATED STATUTES, VOLUME III, IN REGARD TO THE APPORTIONMENT OF THE MOTHERS' AID FUND.

The General Assembly of North Carolina do enact:

Section 1. That section 5067 (h) of the Consolidated Statutes, Volume III, 1924, be and the same is hereby amended by striking out that part of the last sentence of said section, beginning with the word "provided" after the words "per capita basis," in line 13 and continuing to the end of the section, and by substituting in lieu thereof the following: *Provided*, that if the boards of county commissioners of any county shall fail to enter into an agreement with the State, on or before the first Monday of June, 1925, or on or before the first Monday in June of any succeeding year, that they will meet the State apportionment for Mothers' Aid in such counties for the ensuing fiscal year, in accordance with the provisions of this act, then the amount apportioned to that county shall revert to the general Mothers' Aid Fund and be available for apportionment to the counties complying with the provisisons of this act, on the basis of the population of these counties.

Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its ratification.

II. THE MOTHERS' AID LAW

PURPOSE OF THE LAW

The idea incorporated in the various Mothers' Aid laws that have been passed by forty-two states in the past fourteen years is that Motherhood, in its truest sense, is of financial value to the State. It seems strange that through the years we have been admonished to visit the widows and the fatherless in their affliction and to minister unto them—and that our response has been to take the children immediately and put them in an institution if space could be found. The Mothers' Aid laws are proof that citizens have realized that to break up a home of any sort is a delicate social-surgical operation, but to break up a home for poverty alone is a crime.

To give a widow a definite sum of money once a month to care for her children is only the letter of the law. The spirit takes in the realization of the mother's and children's lack of the father and all that his character and presence meant in the home. The Mothers' Aid Fund cannot supply this need, but the superintendents of welfare can, through friendly visits and with the assistance of the county boards of welfare, help in every way possible to make the family life normal.

The Mothers' Aid law is not perfect. Already several amendments are contemplated, but it is a big step forward in child welfare in North Carolina. Whether it is succeeding in the various counties administering it depends upon the interest taken in the work by the people of the counties. Well administered it is capable of much good, poorly administered it is dangerous. At its best it is a wonderful, constructive agency, capable of taking its place with the best of the forces for conserving the childhood of the State.

Policies

At the Public Welfare Institutes at the University of North Carolina in 1924-1925 vexing problems of Mothers' Aid were discussed and the following policies adopted by the superintendents of public welfare.

Desertion

The law is very elastic in regard to desertion cases. This laxity had made it hard for officials to know when a desertion is a desertion. It was decided that if a man's desertion had extended over twelve months and all efforts to locate him had failed, the mother might make application for aid.

Physical Disability

The law is indefinite in regard to physical disability. This point, it was decided, must rest upon the findings of a thorough physical examination by a reputable physician and the written report of the examination must accompany the application.

Furthermore, it was agreed that no case could be considered for Mothers' Aid with active tuberculosis, or other infectious or contagious

disease in the home. Plans must be worked out for caring for this situation outside the home before the case is approved.

Property

The amount of property a woman may own was discussed. It was decided to study the question individually and decide upon its merits as in the past.

Roomer

The superintendents ruled strongly against the "one-man roomer."

Immorality

It was agreed to make careful and patient inquiry into rumors relating to immorality about any woman receiving aid. If the evidence is sufficient to remove a mother from the list, the reasons for such action should be explained to the mother and her case either referred to some other agency or provision made for the children.

Adequate Grants

The question of adequate grants was discussed and the superintendents agreed to educate their commissioners and committees to the wisdom of helping families as adequately as possible—not spreading the money as thinly as possible.

Discontinuing

Because of indefinite statement in the law regarding discontinuing a case, it was agreed that no change should be made in the status of a case except upon investigation by the superintendent, discussion by the board of welfare, and recommendations to county commissioners and to the State. The State office either accepts the recommendations or appeals to the county for further investigation. This policy will relieve the superintendent, or the county commissioners, of personal responsibility.

This does not apply to cases where the mother remarries or the husband returns from a State institution or chain-gang, after desertion, or when a mother leaves the State. Such cases come off automatically, but should be verified before information is sent to the State office. If a mother moves from one county to another the county of her last residence may continue to aid her as long as she needs help up to twelve months.

Vouchers

Because of much misunderstanding in regard to the quarterly vouchers the State office agreed to mail to each superintendent administering aid the THREE voucher forms during the last month of the quarter. The superintendents agreed to fill out the vouchers properly, have them signed by the county treasurer, and return all THREE copies to the State office.

III. ADMINISTRATION

Section 2 of the bill reads, "That the county board of charities and public welfare of any county, after investigation by the county superintendent of public welfare, may determine what amount, within the provisions of this act, is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age."

A Community Problem

The administration of Mothers' Aid is therefore a community responsibility first.

County Superintendent of Welfare

It rests with the superintendents of public welfare to make a thorough investigation of the mother herself, her family, home, relatives, and people who know her in her present home or at previous addresses. Members of the county board of welfare and commissioners may be consulted as references, as well as persons listed under "Eligibility."

County Board of Welfare

When the investigation is complete the superintendent is expected to present the case at the regular meeting of his board of welfare and go over the application blank with them. The board members are expected, in their turn, to read and discuss the applications and to decide whether or not to ask the commissioners for aid. If the meeting of the board of welfare is held a few days preceding the meeting of the board of commissioners, much time and trouble will be saved. In several counties in the State not having a superintendent of public welfare the board of welfare is so much interested in the work that one of its members makes the investigations and does the visiting.

County Commissioners

The commissioners' work is to hear the findings of the county board in regard to the amount the mother needs and to decide what the grant will be. This relieves them of all responsibility, except that of seeing that the county treasurer makes out the checks to each mother each month and sends in his voucher for reimbursement to the State, quarterly.

There has been a great deal of misunderstanding in the past about the above points. Much of it is due to the fact that county officials *have not read* the law. Perhaps if at the next meeting of his board the county superintendent would read the entire law it would be of great benefit.

First Monday is a very busy day. Commissioners want things cut and dried. Instead of taking up time with circumstances of a case, or,

on the other hand, just asking for so much for a Mothers' Aid case, present a case very briefly: "Mrs. S. of Holly, R. F. D. No. 1, a widow with four children, has applied to the county board of welfare for Mothers' Aid. We have gone into the merits of the case thoroughly and recommend that she be granted $35 a month. I have the application here for your signature and will be glad to answer any questions."

The same form should be observed in reducing or increasing or discontinuing a grant.

A letter similar to the one suggested below should be promptly mailed to each mother as she is put on the list:

Dear Mrs.....:—Your application for Mothers' Aid has been duly presented to the county commissioners of.....County, and to the State Board of Charities and Public Welfare. We are glad to inform you that beginning with the month of.....you will receive a check for $..... each month from the county treasurer for your county and State grant. This grant will continue until such time as it appears upon further investigation, and with your knowledge, that a change should be made."

(Signed) Superintendent Public Welfare.

If this grant is changed or discontinued, then a personal letter should be sent setting forth reasons for the change.

These little courtesies would mean a great deal to these mothers and would take very little time.

Procedure of Superintendent of Public Welfare in Administering Mothers' Aid

To assist the mother in making application.

To make investigation of home and references at request of county board of public welfare.

To give this report in writing, according to outline submitted by State Board, to the county board for approval, sending originals and duplicates of such cases as county board approves to State Department.

To keep in touch with the family through:

a. *Monthly* visits.
b. School attendance.
c. Working certificates.

To keep in close touch with the board of public welfare through discussions of various problems in Mothers' Aid cases and to secure their help.

To help in plans to keep ambitious, bright children in school after they reach fourteen years.

To find suitable work for children coming of working age.

To find suitable work, preferably in the home, for mother, if necessary.

To put mother in touch with all county and State agencies, health, educational, recreational, religious, that will aid family.

To check over family budget every six months, at least, and maintain, reduce, reject or increase; to make report to the county commissioners and to report their action to State Department.

To preserve in every way possible the self-respect of the mother, avoiding any implication of charity, emphasizing the idea of partnership between the mother and the State.

IV. INVESTIGATION

The very first point to be considered in an applicant for Mothers' Aid is the woman's own eligibility under the law. If this is not settled at the beginning of the investigation, time, and sometimes money, is lost. It is a reflection on the superintendent of welfare to make a superficial and hurried investigation and then "to find out something" about the woman after she has been receiving aid several months that makes it imperative to drop her. Many superintendents who have lived in their counties for years know the type and character of their clients, thoroughly, but do not know the details that are necessary if the family is to be helped wisely.

To be eligible:

1. "A woman must be the mother of a child or children under fourteen years of age."

2. "A woman must be a resident of the State of North Carolina for three years and a resident of the county for one year preceding." (In a few counties officials have continued aiding mothers on their list a few months after the mother has moved into another county. This is legally right, because she is a resident of that county until she establishes residence elsewhere. It is economically right, because the mothers have moved with the coöpeation of superintendents of welfare in order that they might improve living conditions and become self-supporting.)

3. "A woman must be possessed of sufficient mental, moral and physical fitness to be capable of maintaining a home for herself and children and prevented only from lack of means. (Under Grants to Mothers will be found an explanation of what we mean by 'home.' It will readily be seen that the pauper type of woman is not the kind intended for Mothers' Aid.)

4. "Such a person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able to and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any charitable organization the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be necessary in their opinion and judgment."

The above points must be verified by court and institutional records. A further discussion is found under "Policies."

If Associated Charities, Red Cross, or other organization has dealt with the family, a summary of the history should be secured. If the county has a confidential exchange, this will be a mere matter of form. If there is no confidential exchange, then a request for this information, in order to avoid duplication of effort, will help show the need of centralizing the family case work.

Teachers, preachers, church visitors, relatives, employers—past and present—doctors, rural mail carriers, "the leading man in the community," and the "time merchant" should be interviewed. This not only to get information, but to acquaint them informally with the value of the work and to secure their interest and help.

Following is suggested an outline that may be of help in making an investigation in a family applying for aid:

A (1). The Husband's Death.
1. Circumstances; cause and date of death, verify.
2. How long was he ill? Name and address of doctor.

A (2). The Husband's Desertion.
1. Why? When?
2. What efforts have been made to locate him and secure support for his children?

A (3). The Husband's Commitment to State Hospital.
1. Date of commitment. Physician in charge. Place.
2. Diagnosis (obtain from a physician).
3. Influence of man's condition on family—depressing or disturbing?

A (4). The Husband's Commitment to Penal Institution.
1. Date. Session of Court. Judge.
2. Cause of sentence. Length of sentence. (No case with sentence of less than one year eligible.)

A (5). The Husband's Permanent and Total Disability.
1. Diagnosis and prognosis from reputable physician. (Does doctor believe everything possible has been done for man? What does he suggest?)
2. Is there likelihood of more children if man stays at home?

B. Sources of Help and Information.
Relatives—names and circumstances of nearby relatives. Distant relatives. What plans do they suggest? How will they help in carrying them out?
Church and other social agencies. Does the pastor know family personally? What financial help does the church give?
What other agencies, social or fraternal, are interested in the family? Do they advise Mothers' Aid, or do they think children should be removed and placed elsewhere?
Employers, friends. What help and information can they give?

C. Background and Married Life.
1. Man's ancestry—education, reputation as he was growing up, early employment.
2. Woman's ancestry—education, reputation before marriage, employment before marriage.
3. Married life—how long had man and woman known each other? Financial conditions under which they set up housekeeping? Did wife have regular amount to spend or did husband do all the managing and buying?
4. Was married life happy? Reputation as a father. Physical defects.
5. Is there any history of drunkenness, tuberculosis, immorality, insanity, feeble-mindedness, epilepsy, on the man's side?
6. Did he ever have a court record? Why?

D. Mother.
1. Character and ability.
a. Is she temperate? Resourceful? Optimistic?
b. Is she thrifty? Does she buy and cook nourishing food? What is her idea of a good daily menu?
c. Condition of house, mother and children, as regards cleanliness and order.
d. Does she give the children religious training?
e. Is there any history of immorality, drunkenness, insanity, feeble-mindedness, epilepsy, tuberculosis, physical defects in mother's family?

f. Are there curtains, rugs, pictures, books, flowers in the home?
g. Does she take part in community activities?

E. Children.
1. Individual characteristics and ambitions.
a. Are they obedient and helpful? Can the mother control them, especially the boys?
b. Are there juvenile court records? Why?
c. Do they like their school and teachers? If not, why? Are they retarded? Why? Irregularity, sickness, sub-normality? Do they want to stop at fourteen?
d. Do they attend Sunday School?
e. Do they belong to church societies, Scouts, or other recreational groups?
f. Have any of the children special talents or ambitions?
g. What are the mother's plans for their future?
h. If there are grown children in the home, what do they think of their mother's receiving aid? Are they doing their part?
2. Others in the home. Relation to the family?
a. What is their effect on the home life?
b. Should other arrangements be made for them?

F. Present Environment.
1. What is the character of the neighborhood? Where do the children play?
2. Condition of the house, roof, plastering, type of water supply?
3. Are there separate sleeping rooms for boys and girls above twelve years of age? Number of beds? Is bedding clean and sufficient? Are rooms airy and sunny?
4. How does the standard of living compare with that when the man was alive?

G. Health of Mother and Children.
1. Mother's physical condition—make special inquiry as to decayed teeth, headaches or eye trouble, back ache, goitre, uterine trouble, varicose veins, cough, throat.
2. Children.
a. Mental and physical condition of each. Was he normal at birth? Tonsils and adenoids, bad teeth, frequent colds, eye trouble, ear trouble, skin eruptions, malnutrition?
b. How much milk does family use daily? Source of supply?
c. If physical examinations seem necessary, they should be made and reports sent in with application if the county has health officer. Otherwise they can be made and followed up as quickly as possible. In cases where there is a history of T.B. or V.D. examinations are required of every member of the family.
d. Does any member of the family need institutional care?
e. Work problems. Has mother time for some remunerative work at home? Outside? (See chapter on Home Occupations.)

NOTE.—Miss Richmond's Questionnaire on "The Widow with Children," and Miss Bogue's Manual have been of great help in preparing these questions.

V. APPLICATION BLANK AND TYPICAL HISTORY

NOTE

The application for Mothers' Aid and history following was adapted from an actual case in a superintendent's office. All names of persons and places are changed.

To a superintendent with no clerical help such a record may look very long, but when he considers that with the exception of the hours necessary in filling out the application and writing the accompanying history the remainder was written over a period of two years it does not seem too hard to do. Certainly the mother is entitled to as definite a record as this.

STATE BOARD OF CHARITIES AND PUBLIC WELFARE

Application for Mothers' Aid from Mothers' Aid Fund of North Carolina

CASE NO.---------- {STATE----------
{COUNTY No. 3

Name of County Supt. of Welfare----------

Surname: *Rockwell.* Date: *April 15, 1924.*

1. Address, city, town, street number, R. F. D.: *Oak City, R. F. D. 1 (About ten miles northeast, near L. L. Branch).*
2. Mother's name: *Lizzie McRae Rockwell.* Date of birth: *June 28, 1885.* Birthplace: *Person County.* Religion: *Methodist.*
3. Husband's full name: *William Hardison Rockwell.* Date of birth: *June 27, 1888.* Birthplace: *Person County.* Religion: *Presbyterian.* Occupation: *Farmer.* Name other organizations he belonged to: *Tobacco Cooperative Association.*
4. Is he dead, imprisoned, disabled, or deserting? *Dead.* Cause: *Bronchial asthma.* Place: *Oak City, R. F. D. 1.* Date: *Feb. 15, 1924.* Is he an ex-service man?---------- With what organization? ---------- Verified how?----------
5. Date and place of marriage: *Sept. 20, 1914; Oak City, R. F. D. 1.* Verified how? *Register of Deeds Office, Person County.*
6. Date and place of any previous marriage:----------Verified how?---------- Termination:---------- Cause:----------
7. Is man living, where?---------- Verified how?----------
8. Length of mother's residence in county: *Life.* In State: *Life.*
9. Children under 14; where they are, and why:

Name	Date of Birth	School	Grade	Defects
Willie, Jr.	*Apr. 8, 1916*	*Laurel*	*2*	*Ruptured*
James Byrd	*Mar. 1, 1918*	*Laurel*	*1*	*Normal*
Pearl	*Apr. 14, 1920*			*Bad tonsils*
Bell	*Nov. 16, 1921*			*Healthy*

10. Children above fourteen (if not living at home, state where and why):

Name	Age	Employer	Address	Weekly Wages	Contribution to Family Expenses
None					

11. Others in household:

Name	Age	Relationship	Income	Contribution to Family Expenses
Garland McRae	*18*	*Nephew*	*Works on farm in*	*busy season.*

12. Mother's occupation: *Farming and housekeeping.* At home? *Yes.* Weekly earnings, $ *See No. 13.* Number days and hours away from home:_____How are children cared for in absence? _____Employer's name and address:_____

13. IMPORTANT—Answer as fully as possible:

Average Income Covering Six Months Period	Paid to Mother	Amount of Income Monthly	Expenditures of Family for the Month of Application	Amount
Names and ages of children working			Taxes, insurance, *Interest*	$ *1.50*
			Food	*14.50*
(1)	$	$	Medicine and doctor	*1.00*
(2)			Fuel and light (*kerosene*)	*1.00*
(3)			Clothes—repairs	*5.00*
(4) *Garden, milk, butter*		*10.00*	Shoes—repairs	*8.50*
Received from relatives: *$10.00 cash*		*1.63*	Recreation	
Mother's earnings: *20 bu. corn, $22.00, and 300 lbs. meat, $75.00*		*16.17*	Stock Feed	*8.00*
			Miscellaneous: *Books, etc.*	*2.75*
Other sources: *Irregular assistance from relatives and friends in food and clothing*				
Total		*27.80*	Total	*37.25*

Amount requested from county and State for family to live respectably, *$20.00.*

14. Liabilities, mortgages, nature, creditors, addresses: *Mortgage, $200.00 on home. House unfinished, walled in, no partitions. Well to be dug; rocks on the ground.*
15. Property, real estate, business equipment, loan or cash value of insurance, money, food, clothing on hand: *One mule, one cow, 25 hens, 4 turkeys, 1 small pig, small farm equipment, household furnishings, wagon and buggy.*
16. Number of rooms, and condition as to safety and sanitation: *5 rooms when divided.* Number beds, *4.* Is kitchen equipment adequate? *Yes; good stove.*
17. Church and Sunday School attended by children: *Sapling Ridge.*
18. Mother: Education—*About sixth grade education. Industrious, resourceful, ambitious, determined to make the best of a poor situation.* Any training other than school work? *No definite training, but knowledge of sewing, embroidering, quilting, preserving, cooking.* Business ability (illustrate): *Sells chickens, eggs, sews, and keeps her accounts. Hopes to develop turkey raising into an industry.* Evidences of culture and attractiveness in home (rugs, curtains, pictures, magazines, etc.): *Curtains, rugs, counterpanes, etc., made by mother; pictures and magazines in evidence.* Health: *Fairly good health except that teeth need attention; worried over responsibilities.* Physical examination: Needed? *Yes;* Given? *Arranged for next month.*
19. History of family: (1) Explain how lack of adequate income has been met heretofore. (2) Former occupations of woman. (3) Children removed, when, why, how long. (4) Juvenile court records, etc. (5) Former addresses of family, landlords, and dates of leaving: *(1) Relatives and friends provided for family since husband's death. (2) None. (3) None. (4) None. (5) From date of marriage until 1923 family lived as tenants on S. K. Eckard's farm about one mile north of present address. One year ago Mr. Rockwell's father gave him 30 acres of half-cleared land on which the present home was started.*
20. Immediate plans for family if aid is granted: *To help mother develop turkey business and become self-supporting. To enable her to pay off mortgage on home and finish her house and well. To help mother make arrangements with a dentist for treatment; to have Pearl examined thoroughly and her tonsils removed, if necessary; have Dr. Wells see Willie again.*

21. Collateral references: (1) Married children. (2) Near relatives. (3) Pastor, physician, school and Sunday-school teachers, former employers. (4) Present and former neighbors.
(Check References Interviewed and Attach Reports)

Name	Address	Relation to Family
A. T. McRae	*Oak City, R. 2*	*Brother*
W. F. Rockwell	*Oak City, R. 1*	*Father-in-law*
Robert Rockwell	*Oak City, R. 1*	*Brother-in-law*
L. L. Branch	*Oak City, R. 1*	*Neighbor and friend*
T. H. Kelly	*Oak City, R. 1*	*Neighbor*
Dr. B. F. Wells	*Oak City*	*Physician*

22. The above is correct, according to my knowledge and belief.

MRS. LIZZIE ROCKWELL
(Mothers Signature)

(SEAL) ----------

Notary Public.

RECOMMENDATION

23. The County Board of Welfare, having inquired into conditions and circumstances of *Mrs. Lizzie McRae Rockwell*, an applicant for Mother's Aid, do recommend that she be granted aid to the amount of *$20.00* per month from County and State.

(Signed) *MRS. MAY ELLINGTON*
JAMES CHURCH
F. R. BURRELL

Date: *May 5, 1924*

24. Approved by County Commissioners for *$10.00, May 5, 1924.*

Chairman.

25. Approved by State Board of Charities and Public Welfare to the amount of *$10.00* on----------
----------192----

Director, Mother's Aid.

HISTORY SHEET

(To accompany application blank)

RE: MRS. LIZZIE MCRAE ROCKWELL

April 4, 1924. The register of deeds of Person County reported to the superintendent of welfare in April that he believed Mrs. Rockwell should have Mothers' Aid under the new law, passed by the 1923 Legislature.

The superintendent immediately began investigations. (This history, with the application blank, brings the case up to the present.)

Family History

The Rockwells are ambitious and intelligent farm people. When William Hardison Rockwell died the family was in a fair way to rise out of the tenant class into the owner class.

Husband's father, who owns farm of about 200 acres, offered each of his three sons 30 acres if they would settle and build. They were to pay the taxes. William accepted this offer about a year ago, built the frame of his house, a satisfactory barn, and had partially dug a well, when he died. These improvements were made with money he had saved during the years. he was a tenant farmer. He had asthma most of his life. This reached a bronchial stage in February, which caused his death February 15th.

Neighbors hauled sufficient rock to wall up the well and have been trying to find some one to do the work which will cost about $25.

There is a $200 mortgage on the house which Mrs. Rockwell expects to pay when she is able.

Environment, Housing and Neighborhood

The Rockwells live at Oak City, R. 1, in a fairly prosperous section of Person County. Most of the farm homes are painted and apparently comfortable.

The house stands on a hill at the edge of a wood about one and a half miles from the nearest main road. The nearest neighbors are a quarter of a mile away in opposite directions. The house itself, when finished, will be convenient and unusually compact for a farm dwelling. The outside walls, the roof and flooring are in place. The living room is ceiled and Mrs. Rockwell expects to get the others ceiled as soon as possible. She has sufficient furniture to be comfortable. Everything was clean and in good condition at the time of visit.

Mrs. Rockwell has planted roses around the porch and has set out a number of other plants.

Health

Mrs. R.'s health is good in spite of decayed teeth. She expects to have them looked after next month.

Willie, Jr., lost a month of school because of sickness. He was ruptured when quite small. Has worn a truss about two years. Recently he took it off to go in swimming, forgot to replace it, and his mother knew nothing of it until he complained. She will take him to Dr. Wells when she goes to town. Willie is a bright, attractive brunette.

James Byrd is apparently well and strong. A bit shy, but very quick mentally. He is a blond.

Pearlie, almost an albino, looks well, but is nervous, excitable, hard to manage. She has bad tonsils, which will be looked after.

Belle, the baby, is a golden-haired, blue-eyed cherub.

Children's Education

Willie and James attend Laurel School, two miles away. They like their school and do good work. Will probably be promoted. Mrs. Rockwell is ambitious for her children. She and her husband planned to buy a Ford when the girls were big enough to go to school so they would not have to walk in bad weather.

Church Connections

The family attends Sapling Ridge Methodist Church, two miles away. There is Sunday School every Sunday and preaching once a month.

Relatives and Friends

Mrs. R. has two sisters and one brother, all married, with families, living in Person County, though not right near. One sister has ten children. While they cannot give financial help, they are interested and sympathetic.

Mr. Rockwell, Sr., lives in sight. He and Robert Rockwell are of great help in carrying on the work of the farm.

The people in the neighborhood are much interested in the family. (See collateral references.)

Recreation

The community is rural. Recreation in the sense of clubs and organized play activities is practically nil. The Rockwells, as other families in the community, go to church, where they get together socially, spend the day at

each other's houses, go fishing, have quilting parties, and do whatever the neighborhood does by way of social activities.

Mother's Plans

Mrs. R. has been accustomed to farm work all of her life. She is industrious in the field and in her house. This year she expects to work about ten acres of land. Three in cotton, three or four in wheat, the rest in corn. She also plans to have a garden, as usual, and raise vegetables for summer use and for canning. She will put up a supply of fruit for the winter.

Mrs. R. has arranged with her 18-year-old nephew to do the plowing for her. He has rented ten acres himself from L. L. Branch, whose farm adjoins. This boy will continue to live at Mrs. R.'s until fall. Mrs. R. will help him with his crops in return for the work he does for her.

Besides 25 hens, Mrs. R. has a good many little chicks, and expects to raise more. She also plans to raise more turkeys. She hopes eventually to be able to make her living with her turkeys and chickens and not have to do heavy farm work.

She would like, also, to do sewing, especially children's clothes, in the winter months. It is hard, however, to get a market, as she is quite a distance from a town.

Family Budget

Like most country women, Mrs. R. has never kept account of her income or her expenses. She grows most of the things she needs on the farm and so has little cash to handle. When she goes to town on her occasional trips she buys remnants of cotton and wool material which she gradually works up into clothes for the children.

She figured roughly that she needs around $10 a month cash for food alone.

Flour	$3.50
Molasses	1.00
Sugar	2.00
Coffee	1.20
Other food	1.80
Kerosene	.50
	$10.00

Mrs. R. uses about ten bushels of corn each month for her stock. When the twenty bushels she has are used up she will have to buy at the rate of $1.20 per bushel. She has meat enough to last through the summer. She has bought ten sacks of guano, and has spent $20 since Christmas for the family's clothes.

Taxes amount to about $6 a year and, in addition, there is a small amount of interest on her mortgage.

Taking all things into consideration, this seems to be an excellent case for Mothers' Aid. Most of the supervision needed will be directed toward helping Mrs. Rockwell develop her poultry and turkey business. If this can be done probably two or three years help will see her self-supporting.

Collateral References

April 15, 1924. Interviewed Mr. P. H. Kelly, Oak City, R. 1, who has known the Rockwell family all his life. He believes that Mrs. R. is a fine woman and mother. She is noted throughout the community for her industry and good housekeeping. It would be impossible for any one in the neighborhood to bring any charges against her.

April 15, 1924. Interviewed Mr. L. L. Branch, neighbor and friend. Mr. Branch reported the case originally to the register of deeds. He is a justice of the peace and married Mr. and Mrs. Rockwell at his own home. He is much interested in the family and believes it will be much better for Mrs. Rockwell to have aid and keep her children with her than to put them in an institution.

April 20, 1924. Interviewed Dr. B. F. Wells, family physician, who lives at Oak City. He has known the Rockwell family since the birth of the first child. Thinks Mrs. R. is in good physical condition, but is at present rather run down because of extra work during her husband's illness. He believes that financial help will relieve her of some of the responsibilities she feels now.

Dr. Wells has treated Willie for rupture and put the truss on him. He has never been called in to treat any of the children except Willie and Pearl. She had colitis when little, and has not been strong like the other children.

RUNNING HISTORY IN COUNTY SUPERINTENDENT'S OFFICE

April 4, 1924. Mr. Job, register of deeds, asked superintendent, who was in Oak City on business, if Mrs. Rockwell, a widow with four children, would be eligible for Mothers' Aid. Told him that it would be necessary for superintendent to visit the home and make out the application. Investigation might prove her eligible. Mr. Job directed superintendent to Mrs. R.'s home.

April 15, 1924. Visited Mrs. Rockwell. Filled out application. Talked with neighbors. Verified the marriage at the courthouse.

April 29, 1924. Met with board of welfare and presented Mrs. R.'s application and the history of the family in typewritten form. Two members of the board knew Mrs. R. personally and considered her a good subject for Mothers' Aid.

Board signed application asking for $20 a month from county and State.

May 5, 1924. Presented signed application to county commissioners at their regular meeting. They approved the $20 grant.

May 6, 1924. Application blank in duplicate and one copy of history sheet sent to the State Director of Mothers' Aid.

May 15, 1924. Letter from State Director enclosing approved application for county file.

May 22, 1924. Showed approved application to county treasurer, secured check for $20, and took it to Mrs. Rockwell.

June 1, 1924. Letter from Mrs. R. saying she had not received June check.

Talked with county treasurer over the phone. Asked him to see that checks were mailed regularly when other county bills were paid.

July 17, 1924. Visited Mrs. R. with State Director and the representative of the Laura Spelman Memorial Fund. The crops were in good condition. Mrs. Rockwell was much improved in appearance, children healthy. Visitors took several pictures of the older children. Belle was asleep. Promised to send mother copy of the pictures.

The family was living in Mrs. R.'s bedroom and kitchen. Boys sleep in the unfinished part of the house.

Went over Mrs. R.'s expense account for June. As she did not have to buy much food—her garden bringing in plenty—no shoes, or animal feed, she had

been able to get material to make some dresses for the girls and shirts for the boys; also, to get a few jars and new rubbers for her canning and preserving. She had paid $10 on her original bill of $35 for lumber to ceil her house.

INCOME		EXPENDITURES	
Mothers' Aid check	$20.00	Food (sugar for canning)	$4.00
Sale of eggs	2.50	Clothing (remnants for chn.)	4.60
Blackberries	.70	Ladies Home Journal	.15
		Glass jars and rubbers	3.20
	$23.20	Soap, starch, scrub brush	1.25
		On lumber bill	10.00
			$23.20

August 14, 1924. Made friendly visit at the home. Mrs. R. said the rainy weather had "fouled" her crops to some extent, and had drowned most of her little turkeys. She expected a good cotton crop and had planted early to beat the boll weevil.

She displayed with much pride little smocks and bloomers she had made for the children.

September 17, 1924. Visited at the home. Mrs. R. wanted help in selling her turkeys. Advised her to try to market them in Oak City, as the Durham market did not seem very good.

James Byrd was sitting on the steps reading the bulletin from the State Board of Health, which had been coming since Mrs. R. was put on the Mothers' Aid list.

Mother had saved $25 out of her checks for the past three months to pay for finishing the well. Water excellent. Inspected account book.

November 11, 1924. Visited at the home. Found Mrs. R. and the two little girls picking cotton. She expected to make about a bale and a half. Had already picked about four bales all together for herself and neighbors and relatives. One of her fields, already picked, had been plowed up again, sewed in oats and rye for her chickens. Two boys were in school.

December 11, 1924. Visited home to take Christmas presents to the family, from the Woman's Club of Oak City. Mrs. R. was much pleased. Asked that they be hidden in the barn that the children might be surprised on Christmas.

Mrs. R.'s nephew had gone to High Point to work in a furniture factory. While he had been much help, Mrs. R. said he was a "tremendous eater."

She reported that she had sold ten turkeys recently for twenty-two cents a pound. Was not able to get to town with them until the market was crowded. Promised to help her more next year.

February 10, 1925. Visited at the home. Because of bad weather in January, it was impossible to get over the roads to Mrs. R.'s house. Found the family at home, the children around the fire making Valentines. All had been well except for bad colds. They were longing for spring so they could get out again. Left a number of magazines for the children.

March 26, 1925. Visited at the home. In the interim between the last visit Mrs. R.'s neighbors had helped her ceil the house—at least, two additional rooms. It was much more comfortable. She had finished paying for the lumber with some of the money she got from her cotton.

April 20, 1925. Visited at the home. Found school closed for the term. The boys had finished the third grade. Mrs. R.'s feet had been giving her some trouble and Dr. Wells had ordered arch supporters.

June 1, 1925. Mrs. R. got a neighbor to bring her to town to superintendent's office. Took her to Dr. Giles, dentist. Had previously made appointment and he had offered to do the work on Mrs. R.'s teeth for the cost of material alone.

Late in the afternoon she came back to the office and left word that she had two teeth removed and several filled.

July 15, 1925. Visited the home. Because of Pubic Welfare Institute, it was not possible to do any visiting for some time. Mrs. R. was expecting to make two bales of cotton, fruit and berries had been so scarce that she had not been able to do much canning and preserving. She was helping her father-in-law with chopping and picking and he was doing her plowing.

Her cow was giving an abundance of milk and she had sold the nine-weeks-old calf a few weeks before for $10.

Her garden had been fair, but dried up early. She again had some young turkeys and expected to have about seven gobblers and eight hens for sale in the fall. Hoped to get a better price than last Christmas. Told Mrs. R. that State appropriation for Mothers' Aid had been cut one-third and that she would be notified as to the amount she would receive each month in the future.

August 3, 1925. At a meeting of the county commissioners, Mrs. Rockwell's grant was cut from $20 to $15 a month. Wrote Mrs. R. to this effect, also a letter to State Department.

August 9, 1925. Mrs. Adams, newly appointed member of the welfare board, told superintendent she was trying to help Mrs. R. find some sewing in Oak City.

September 10, 1925. Visited at the home. Mrs. R. was hoping to hear from Mrs. Adams about some sewing. Said her turkeys were getting along very well. She hoped the superintendent would help her market them.

September 11, 1925. Interviewed cafeteria manager in regard to buying turkeys. Said they got theirs ready dressed and besides that wanted large birds. As Mrs. R.'s were small, the cafeteria people suggested selling them in private homes.

October 19, 1925. Wrote Mrs. R. that eight would-be purchasers had been found for her turkeys at thirty-five cents a pound.

October 22, 1925. Letter from Mrs. R. expressing thanks at the prospect of turkey sales. Three children were in school and doing well. Belle had just entered.

Her father-in-law would make the crates to carry the turkeys to town.

November 1, 1925. Wrote Mrs. R. sending names of five additional purchasers and asked that she have turkeys ready on the 19th, when superintendent and State Director would come down after them.

Looked over expense account for previous month. Although Mrs. R.'s grant has been cut to $15, she managed to sell enough eggs, etc., to bring in $20.10. As the children had to begin school, most of the money had to go for things

they need and nothing was left over for the mortgage, which she hopes to pay off from her sale of turkeys.

INCOME		EXPENDITURES	
Mothers' Aid	$15.00	Food, flour, meal, molasses	$7.45
Eggs	2.50	Shoes—Willie	3.00
Chickens	.50	Sweater—James	4.25
Sausage	1.60	Tablets, books, pencils	5.30
Sewing child's dress	.50		
	$20.10		$20.00

November 19, 1925. Drove to the home for the turkeys. Had dinner—a good country dinner with Mrs. R., the two little girls and Miss McRae, a niece of Mrs. R. Then went to the barn. The turkeys had been shut up for a week and fattened. Weighed each bird and put them in crates fastened on the side of the car. They varied from eight to sixteen pounds.

Mrs. R. said that she had finished picking her own cotton and quite a lot for her father-in-law. The little boys had been helpful even though they are still small.

Promised to send her a check as soon as the birds were sold. Left some magazines.

Stopped at the school to see the two boys. Mrs. R. had said they would be very much disappointed at missing the visitors.

November 30, 1925. Wrote Mrs. R. enclosing check for $51.60 for turkeys. Also enclosed copies of kodak pictures that had been made that day.

December 19, 1925. Visited at the home and returned the crates. Left a box of Christmas things provided by the Episcopal Sunday School. Mrs. R. had received her check for the birds and had immediately used it as payment on her $200 mortgage.

Showed superintendent bulletin on Turkey Raising the State Department had sent her. Said it had many good ideas in it she hoped to use.

This leaves only $50 to be paid before the house will be unencumbered. In addition to the money from turkeys, she had put $50 on it from the sale of her cotton.

It is hoped that by July, when Mothers' Aid appropriation for the new year will be made, that Mrs. R. will be out of debt and able to "carry on" without financial assistance.

SUMMARIES OF ACTUAL CASES SHOWING DIFFERENT TYPES OF CONSTRUCTIVE WORK

(Health)

Mrs. Greene is now keeping house with her sister, who looks after the children while Mrs. Green works in Liggett & Myers Tobacco Factory. The children are well and strong. The mother, optimistic and ambitious, is proud that she can support herself and children.

Three years ago she was deserted with three children and an unborn baby. She scattered her children with relatives and only called for help at her confinement. As the county has many agencies working together, arrangements were made for her in a local hospital. As her health was bad after the birth of the baby and the two children were in homes that were already crowded, it seemed wise to relieve the mother of all responsibility for a few months in order that she might reëstablish her home later. The children were placed in the Detention Home where they were given medical attention and the best of care. The mother stayed with an uncle until she was able to work. She then got a job in Liggett & Myers, rented a little room, bought herself an oil stove on credit, and began to save a little each week for the time when she could have her children with her.

In the meantime, efforts were continued to locate the husband. At the end of twelve months he was still unfound and Mrs. Green was put on the Mothers' Aid list. Her first check for $35 was used to add to her savings to buy needed furniture. The Welfare Department contributed some things from other sources. The children, well and stronger than ever, were restored to a mother proud and well and the home was more firmly reëstablished. For one year the checks for $35 continued to go to her and then the mother said she could do without them, as she was making between $60 and $70 a month. The case was discontinued.

(Part-Time Work)

Mrs. House is now living in her own home (half paid for), is running a small hot lunch counter in the consolidated school in her village, clearing $3 or $4 a week extra. With the little she can earn sewing at home and with the $20 a month she receives from Mothers' Aid she is well on the way to independence. Her lunch business is only a month old. Her health is much better and all the children are well nourished.

In January, 1924, when Mrs. House was put on the list she was living in three rooms of an old house, barely able to stand up. The walls were dark and the windows few. She was trying to sew in the bad light and make a living for herself and children. With the $200 insurance left by her husband and constant help and supervision of the superintendent of welfare and the home demonstration agent, she has reached her present place. By the time her house is paid for at the rate of $6.50 per month she will be independent.

(Education)

Joe, the oldest boy in this family, is a freshman in college, where he is making his expenses with the help of money saved last summer. His record as a student and as a boy is splendid.

The fifteen-year-old girl, Alice, is taking a business course and eighth grade work. She hopes to support herself during the summer.

The twelve-year-old boy makes enough selling papers out of school hours to clothe himself. The seven and five-year-olds are dependent. The mother with the help of $17.80 which she receives from Mothers' Aid, and what she makes on transient roomers and a little sewing manages to keep her home

together. Joe will work during the summer and help his mother, so will Alice. During the winter they hope to continue at school.

Mrs. James received $40 Mothers' Aid from May, 1924, until June, 1925. Then because of the cut in the appropriation and because Joe had saved a little money to go to school and was sixteen, the natural reaction was to take her off the list and throw the support of the family on the boy, depriving him of the higher education he is mentally able to take to good advantage. Finally the county decided to continue the case, and it is hoped they will keep the aid going at least for another year.

(Housing)

Mrs. Doe is now living on the edge of town in a two-room house, "nice comfortable rooms." She has recently bought another bed, additional bedding, a new stove, and will soon finish paying for her cow, which gives plenty of milk for the family and leaves some to sell. Dahlia (who was seemingly so backward) has been fitted with glasses and is already showing improvement. The three oldest children are in school. Mrs. Doe makes four or five dollars a week mending hosiery from the nearby mill.

In December, 1923, when Mrs. Doe was put on the Mother's Aid list she was living in a tiny shack about 14 x 16 on the side of a mountain. Her nearest neighbor—a cousin—out of sight over the top. Her husband had been in the insane asylum for two years and neighbors and relatives had helped her out. Her baby was born after the husband went to the hospital following an attack of flu and pneumonia. She was brave and determined to keep her children with her. Though ignorant herself, she was anxious that her children should have a chance. The little cabin was spotless and as conveniently arranged as she could make it.

The present condition of the family and the mother is receiving only $10 a month, is due not only to the money they have been receiving, but to the constant supervision of the superintendent and the interest and determination of the mother.

(Health)

Mrs. Jones lives in a rural county. She is at home with her children, health much improved, keeping house and teaching a few music pupils. She is still receiving Mothers' Aid and will for some time to come. Her sixteen-year-old son works but makes barely enough to cover his own needs. The four younger children, the baby five years old, are still dependent.

When this case was first presented, Mrs. Jones was suspected of having tuberculosis and the application was held up until a physical examination could be made. It was explained to the superintendent that if the examination showed the mother should have sanatorium treatment, then the application would have to be held up until the tuberculosis could be arrested. The examination came in negative, but the doctor suggested several months rest. This was explained to the mother and her family. A sister who had only two children offered to have Mrs. Jones close up her house for two months and live with her. She agreed to see that she rested morning and afternoon and had plenty of nourishing food. The case was put on the Mothers' Aid list immediately for $30.

(Remarriage)

Mrs. Duo is now keeping house for her husband and four children in a neat little home in an eastern city. Mr. Duo is an honest, sober and industrious citizen. His business is truck driving for a big firm at $30 a week.

If you were to ask Mrs. Duo where she lived four years ago she'd tell you she was a widow, left with nothing in the world but her children—living in

a tenant home. It was bare of most of the necessities and mother and children were undernourished. The superintendent of welfare found her and made out her application for Mothers' Aid. This $20 a month that she could count on enabled her to rent a tiny house in the village and keep her children in school. The superintendent also put her in touch with the health officer and county nurse, who advised her about the children's food. Gradually they all improved, looked better, dressed better, and when Mr. Duo came to the village to do some special work on a road contract he was attracted to her and before long they were married.

The oldest girl came back to her home county for a visit not long ago and called on the superintendent to thank him for his help.

VI. RECORDS

Every welfare office, regardless of its size and the value of business, should keep:

1. A general folder, marked "Mothers' Aid," for letters on policy, information, etc.

2. A bill folder to keep correspondence in regard to vouchers and list of families paid each month.

3. A folder for fresh blanks, etc.

4. Individual folders for pending, active and canceled cases. Each case folder should contain application blank, history sheet, health record cards, statements from references, running history, letters and expense accounts, school reports and health records of the individual children, pictures—everything relating to the individual case. Whether the case is active, pending, withdrawn, or canceled should be indicated on the card in the card index.

(See sample Application Blank.)

WORK FOR MOTHERS

A mother left with the entire responsibility of a family of small children cannot perform her highest service in caring for and training them if she has to be away from them eight or ten hours a day in order to make money to buy their food. Mothers' Aid in such case should be sufficient to meet the financial needs and to enable the mother to stay at home.

Home Work

A small percentage of mothers can do whole-time work away from home, if there is an older woman in the home or in the same house who will look after the children. The plan, though, is generally unsatisfactory as the hours are too long for a woman to work and then come home and cook, wash, and sew for her family. Efforts should always be made to work out some plan by which the mother can do part-time work outside, or find work she can do in the home, which will bring in money. Outside interests broaden the mother's contacts and sustain her self-respect. She is not over-taxing her strength and at the same time she is doing work she likes which benefits herself and her children. *Three* whole days away from home, if children are well cared for, or *five hours a day each day,* is permissible. The county superintendent should know conditions surrounding the mothers who are working outside, whether the work rooms are well lighted and heated and the mother in good health.

Part Time

Below are some types of work possible on a part-time basis. Stars indicate work done by mothers on the State list.

Domestic

*Housecleaning by the day.
*Sewing by the day.
Washing by the day.

Miscellaneous

*Janitor.
*Canvassing.
*Serving hot lunches in schools.

Hotel or Business

*Counter girl in cafeteria.
*Linen room.
News stand.
Information desk.
Public stenographer.
*Office girl.

(Under canvassing is suggested magazine subscriptions, getting mail orders for Larkin goods, selling soap, etc.)

The superintendent of welfare, who is in touch with local conditions, will be able to suggest other things and put the mother in touch with them.

The field of remunerative work that can be done in the home is much larger. The following list is suggestive. Some of the jobs are seasonable, some sectional. Others depend on the energy of the mothers and local conditions. Some depend on market conditions.

*Boarding children.
*Bee and honey.
Basket making.
*Bulbs.
*Chickens and eggs.
*Cakes, pies, sandwiches (sold on special days in schools, offices, drug stores, etc.).
Canning, preserving, pickling.
*Crates (for berries).
*Christmas greens.
*Children's clothes.
Dolls.
*Dried fruits.
*Embroidery.
*Flowers (fresh or artificial).
Herbs.
*Music lessons.
Millinery (cleaning and dying).
*Pigs.
Patch and repair work for business women.
*Quilting.
*Strawberry picking.
Smocks.
*Turkey raising.
Tomato growing.
Trucking.
Weaving.
*Washing towels for barber shop.
*Washing for family.
Washing undertakers gloves.
*Washing for hotel in small town.

Christmas Greens

Everywhere protest is being made against the careless destruction of our holly, trailing cedar, mistletoe, galax, spruce and pine. The constant decrease is running the prices up higher each year. Any mother who owns land where any of these evergreens grow has a business right at her door which she can develop into a permanent industry of real value with a little care. Instead of ruthlessly destroying the trees she can cut properly and preserve her source of income. "Holly should be cut with a sharp ax, toward the tips of the branches, and not more than twenty-five per cent of the leaf surface should be taken each year."

Boarding Homes

Boarding children, dependent children needing care at the hands of the superintendent of welfare, is one way a few mothers are making extra money. It is essential that the superintendent know the mother, and also the child he wants to place. No risk must be run of carrying contagious disease, or delinquent tendencies into a normal home. Well managed Mothers' Aid boarding homes could help solve the problem of temporary care of children in several counties.

Motor

If the mother takes in washing (and lives in town) she should have an electric washing machine, even if she has to buy it on the installment plan.

If she does sewing, her room should be well lighted and, if possible, she should have an electric motor for her machine.

INDIVIDUALIZING MOTHERS' AID

The greatest opportunity open to counties doing Mothers' Aid work is to individualize the work in their counties. This is an age of standardization. Standards should serve only as foundations, the best work is that which goes beyond standards.

Few homes investigated for aid will perhaps come up even to the minimum standards suggested under "Grants for Mothers," but every home should approximate them at least before the family has been on the list a year.

The State Department sends each mother on the list a letter as soon as her case is approved, calling attention to the fact that she has been found worthy and explaining her responsibility in the contract. The State office gives the name of each mother to the State Board of Health that the mother may get the Health Bulletin. On different occasions bulletins on health, gardening, poultry, nutrition, etc., have been sent also.

How well and rapidly the work is done will depend largely on how understandingly and successfully the county superintendent has surveyed his field and generaled the social forces at his command.

It is impossible to take up each county in detail and tell what each has done. While some have been careless about the details of the work we have no convincing evidence that all mothers and children aided have not benefited by this fund. Naturally, the more urban counties offer more agencies that can help supply all the needs of a normal family, but rural counties frequently have unsuspected agencies for help if they will only discover them and ask their coöperation.

Buncombe County ties up its Mothers' Aid work with the juvenile court work. The law provides for such coördination, and Asheville, with its well organized juvenile court, is in a position to set the fashion. "The best way to keep the child out of court is to keep the mother in the home."

Forsyth County, having thirteen mothers on the active list and three former recipients of aid, organized a Mothers' Aid Club in October, 1924. This club has been fostered by the Woman's Club and Rotary Club. The Associated Charities, Salvation Army, Y. W. C. A., and other organizations have helped make it a success. The home demonstration agent has met with the club and been of greatest assistance in demonstrating wholesome and attractive foods. One of the city papers sends a free subscription to each mother.

Guilford County has taken advantage of its tubercular sanatorium with great benefit. In two cases in that county the men of the family with active tuberculosis were placed in the county institution—the wife in one case, the mother in the other, put on the Mothers' Aid list. In one of these families the husband is now self-supporting and the family off the list. In the other, the eighteen-year-old boy, an arrested case, is at home doing light work, but not able yet to assume the entire support of his mother and little sisters.

All counties with whole-time health officers and nurses get physical examinations made before they send in their applications and then have defects attended to as quickly as possible.

In Ashe, Haywood and Person counties the Mothers' Aid work is done by the board of welfare. In Ashe and Person one member serves as field agent. In Person a committee from the Woman's Club works with the part-time probation officer.

In Warren County, where there is no welfare officer, the social worker from the mills makes the investigations and does the visiting at the request of the county board of welfare and commissioners.

Avery's work is done by the judge of the juvenile court.

Alleghany, Bertie, Bladen, Caswell, Chowan, Clay, Dare, Graham, Hertford, Lincoln, Madison, Northampton, Pender, and Scotland "carry on" through the superintendents of schools.

Gaston County is keeping a mother on the list that the seventeen-year-old son, an ambitious boy, may take a college course—for which he has saved up the money.

Johnston County, with the aid of the home demonstration agent, is helping a mother to run the school lunch room as a start toward independence. Every mother in the county receives all the latest household bulletins supplied by the Department of Agriculture.

In only a few counties are the superintendents asking the mothers to keep accurate records of income and expenditure and going over the accounts with them. It is hoped that more and more this very important bit of work will be developed.

Mecklenburg, Robeson and Durham each has a Negro mother on its list. These mothers come up to the standards of mothers in the State as a whole and are doing their part in training their children.

Many superintendents correspond with and visit other counties in an effort to get and give new ideas. This policy is a great help in improving the work all over the State, and it is hoped it will grow into a custom.

In no county has the work been as thoroughly organized—that is, all the helpful social forces brought to focus—as will be done later. The growing demands of the work will gradually prove the necessity of bringing all the social resources of the county to focus through the welfare officer.

VACATIONS

No class of women work as long hours and with as little outside interests as mothers, and yet no class ever gets so little vacation. It is hoped that some county may get interested in this phase of the work and make some plans by which the Mothers' Aid mothers may get at least one week's vacation a year. The children might be sent to relatives or friends, girls' and boys' camps, together or separately, and the mother go on some little trip, or she may prefer to stay quietly at home and do as she pleases. Mothers and children would all be better off for some such arrangement.

Women's organizations of various kinds might be interested in this field of work and try out some plans.

VII. FINANCIAL REPORT

Though the people of the State, as evidenced by their legislative vote, wanted Mothers' Aid, their ideas about it were very vague. To many it was synonymous with "poor relief." Others thought it applied to old women deserted by their grown children. Many had an idea that any woman, regardless of her character, whose husband had run away for a short time or who was in jail for thirty days or on a chain-gang, should immediately be handed out sufficient cash to squander as she pleased. To get over to the public, even the intelligent public, the ideas of definite, constructive work set forth in this little handbook takes time and patience. Unless Mothers' Aid is granted only after careful and thorough study of the family and its needs and that family aided in a friendly manner to solve its problems on the way to independent living then the fund should be revoked. Enough can be done under the old style "out-door poor relief" to increase pauperism.

July, 1923, to July, 1924

Because Mothers' Aid was new and the machinery had to be set up only 188 cases were approved during the fiscal year, July, 1923-24, and $10,419.66 used of the $50,000 available from the State alone.

These figures do not state the facts. Of the sixty-seven counties administering Mothers' Aid, eleven were using all of their quotas, and, in addition, calling on civic organizations and churches to carry other families that were eligible. One county was aiding thirty eligible mothers in the same manner as it was its Mothers' Aid mothers, but not on county and State funds. Another county had a waiting list of fifteen. Still others had from one to ten mothers they wanted to put on the list.

Again the mere figures do not state the facts. Many counties were making smaller grants than the mothers needed and smaller than the superintendent and the State office thought wise. It takes time to prove that "penny wise is often dollar dense."

Still again the figures are misleading. The more progressive counties, with whole-time superintendents of welfare, were the first to take advantage of Mothers' Aid. The others came in slowly. Often it was necessary for the State Director to spend days in a county visiting prospective cases, talking with relatives and county officials, lawyers, etc., to get the work started. Because this one agent from the State office had, in addition to the Mothers' Aid administration work and field work, all the general case work of the State Department and only part-time stenographic help, it was impossible to visit all the counties asking for help within the year.

July, 1924, to July, 1925

Between July, 1924, and July, 1925, the work grew surely, though slowly. One hundred and twenty-four new cases received aid to the amount of $24,710.09 from the State alone, or more than double the first year's work.

The Legislature of 1925 cut the appropriation from $50,000 to $30,000 and further reduced that by the five per cent cut to $28,500. Even though the law was amended so that counties desiring to administer the fund must sign a contract so stating, seventy-six counties signed and the $28,500 had to be apportioned among them. This cut the appropriations of the counties down to two-thirds of their former grants and necessitated the checking off or reducing of many cases.

July, 1925, to January, 1926

In the half year between July, 1925, and January, 1926, only thirty-five new cases have been added and $11,320.41 used. Only seven counties of the seventy-six who signed agreements have failed to use their quotas. There are six cases pending now. With the addition of these, it is confidently believed that every dollar available will be used except in the few counties that have failed to live up to their contracts and so have kept the appropriations assigned to them from their purpose. These amounts will come back into the Mothers' Aid fund for redistribution in July.

With the interest in the work growing steadily and understandingly, it is believed that all the appropriation available for 1926-27 will be used.

MOTHERS' AID VOUCHERS

The law states that the county should pay each mother on the list, each month, the amount approved by county and State. The State is required to reimburse the county quarterly one-half the amount advanced.

Three Copies.—The State office mails out to each superintendent of public welfare in counties administering Mothers' Aid *three* copies of the voucher form early in the last month of the quarter. The superintendent's duty is to go over the voucher and see that the names and amounts recorded in the State office correspond with his list, correct mistakes found, see that the blanks are properly signed, and return all *three* copies to the State Department.

As some counties pay bills on the first and some on the last of the month, the vouchers trickle in all during the month. It is requested that the superintendent see that they are signed as soon as the bills are paid and returned promptly to the State office.

VIII. GRANTS TO MOTHERS

To make Mothers' Aid work the splendid type of Child Welfare it should be, grants must be adequate. "The physical basis of life must be the foundation for all high qualities of the spirit; the grant, therefore, must be such that the mother can give to her children a minimum of adequate nurture whether this means full or partial support."

Inadequate Grants—

1. *Defeat the purpose of the law.* If the regular monthly aid is so small that the mother continues to overwork and is nervous and irritable, the children, undernourished and wandering the streets, church societies and other agencies still handing out "old clothes and cold vittles," then the county and State are not building up but destroying family life.

2. *Demoralize the family.* If the family is not responsible to the Welfare Department for all funds above what the individuals make, then there is the danger of different members of the family playing their various sources of income against each other and of becoming sophisticated paupers in the end rather than good citizens.

3. *Make constructive work impossible.* Inadequate grants mean undernourishment, over work, which in turn means tuberculosis, anemia, pellagra, etc. The family is broken up, in the end, as effectively as if the children had been removed or allowed to starve.

4. *Lowers local standards of relief.* Rural counties often receive their first ideas of family case work from the Mothers' Aid applications. Unless high standards of assistance, both financial and supervisory, are set, if local boards of welfare, commissioners, etc., are not educated to high standards, then Mothers' Aid is only one of many agencies making paupers. A $10 grant is not made into $30 by calling it Mothers' Aid.

5. *Making the appropriation "go as far as possible" is false economy.* All widows have not an equal right to share in Mothers' Aid. The law sees to that. Mothers' Aid is only three years old in North Carolina—still in the experimental stage. Each case should be carefully worked out according to the suggestions given in this handbook and followed closely.

Adequate grants are possible only when "the grant makes up the deficit in the family budget so as to insure wholesome living on a minimum wage." "There is a minimum normal standard of living below which physical and mental health and efficiency cannot be maintained and which should be insured to every family regardless of its former standard of life."

THE FAMILY BUDGET

No grant can be fairly determined until a careful inventory has been made of the family income and of how far this income fails to provide the minimum standards for normal living. The grant should bridge the difference between these points.

Income

Wages. (Count in wages, or whatever part of wages is paid in by the children.) Boarders or lodgers. Money received from farm produce or home work. Regular help from relatives. Money from "money crop" last year, cotton, corn, tobacco. Other sources.

Expenditure

Rent. Amount needed for rent, either at present place or better one. If in country, give terms on which family rents land—on half shares, croppers, etc.

Interest, taxes and repairs. If home is owned, get value, taxes, repairs, interest and other payments. Count these expenses on a monthly basis. The total should not exceed reasonable house rent in the community.

Insurance. Members of family insured and amounts. If too excessive family should be advised to reduce.

Fuel and light. Find out last year's bill as nearly as possible and divide by twelve. Amount to be allowed will depend on local prices and conditions, also upon arrangement and condition of house. Fifty cents a month is usually sufficient for kerosene in country homes, unless it is also used for cooking.

Food. This is one of the most important items on the list. The amount spent is frequently hard to get. If the mother lives in a mill section her bill is usually large and the money goes for quickly prepared rather than nourishing food. She may need very careful help for some time in learning to know and prepare new foods, more inexpensive and at the same time more nourishing. If the mother lives on a farm, has chickens, eggs, milk, butter, vegetables and fruits, then her food bill will be small and will include only such things as flour, meal, tea, cereals, coffee, flavorings, and such things as the farm does not produce. In cases where families are undernourished, special provision for abundance of nourishing food should be made.

Clothing. The last year's expenditure for clothing should be known, also the amount of clothing contributed if the family has been receiving aid. (Due allowance should be made for increasing size.) If the family is not sufficiently clad, then an amount above that worked out on the monthly average should be allowed. Whether the mother sews well and buys materials economically is also to be considered. Likewise, whether clothes can be handed down from one child to another.

Household furnishing and supplies. The house should be adequately furnished. Much misery is caused by the very absence of *things.* There should be beds enough so that not more than two should have to share one. Chairs enough for the family to sit at the table at once; an easy chair for the mother; bedside rugs; covering, sheets, and pillow cases—sufficient for warmth and cleanliness. A good stove for cooking; sufficient pots, pans and other utensils for cooking. If the house is lacking in the basic essentials for normal living, then the cost of these things should be included in the budget, so much each month to be used to supply these things.

Incidentals. The budget should cover family needs and practices, if suitable. In it should be included church contributions, recreation, newspapers, postage, magazines, and small articles needed for the home.

Health. The better the family conditions at the time the case is approved, the less need be allowed for health. One dollar a month would probably be sufficient for home remedies. Most counties take care of doctors and hospital bills through local health officers, nurses, clinics.

Farm and garden. Garden seed, implements, cost of animal and poultry feed, fertilizer, labor, etc. Usually a year's estimate can be worked out and divided on a monthly basis.

Summary

The working out of the budget is frequently the first inkling the mother, particularly the country mother, has had of the relation of cash money to the food and other supplies she grows on the farm. The investigation itself is a suggestion to the mother of business methods—of the fact that she is entering into a contract with her county and State in which she must bear her part. No superintendent will insist upon the family's changing nonessentials in family routine for a cut and dried budget. A slow process of education in better methods of spending the family income is usually necessary.

By asking each mother to keep a monthly account in a notebook (see suggested outline), and by going over that account with her on each monthly visit, complimenting, suggesting changes, etc., the mother will gradually take pride in the way she runs her house. By noting foods bought and looking at the children the superintendent can form some ideas as to whether or not they are getting the right foods.

If the roads are bad and distances great, as they are in many counties, the superintendent would find that carrying on a correspondence with some member of the family will keep him in touch with things. It will also mean a great deal to the family to receive letters and occasional magazines or newspapers from the outside world.

Until our county welfare departments have larger personnels, the search for the most hopeful type of mother for our Mothers' Aid work must continue, the mother that needs only financial help to come up to community standards.

When our appropriations shall be large enough for the urban counties to have a worker for Mothers' Aid alone, then mothers requiring more personal help, more education in the minimum standards of normal living, can be approved.

In practically every case that has been withdrawn or canceled the trouble can be traced back to poor material to work on and lack of time on the part of the work, for supervision.

BUDGETS

No definite work on budgets comparable to that done in New York and Chicago has been done in North Carolina. The standard budget used in computing estimates for household expenses of any normal home is quoted below. These estimates allow for nothing beyond the necessities of life. They deal, however, with city life. As the majority of our cases are rural, and the families have rent free, own farm animals and gardens, and wear the type of clothes current in their communities, a family could live well on less than is suggested here. A study of what the necessities of life actually cost in other states will not come amiss to a superintendent who is interested in doing a genuine piece of work.

SCHEDULE FOR ESTIMATING FAMILY BUDGETS IN MOTHERS' ASSISTANCE CASES

(Compiled by the Westchester County, New York, Department of Child Welfare; Food Schedule compiled by the New York Nutrition Council.)

Rent. Amount paid.

Fuel. Coal:

1. For one stove, one-half ton a month. (Amount allowed for.)

2. For second stove, a quarter ton a (coal at the standard rate per ton charged in district) month additional.

Kindling: Not to exceed $1 a month. (From November 1 to May 1 a second stove and kindling allowed. During the remainder of the year only one stove allowed.)

Light. Where kerosene is used, $1 a month. Where gas is used, 1,000 cubic feet per month allowed at rate charged in the district, plus service charge.

Sundries. One dollar a month per person, with a maximum of $7 for a family.

Age—Years	Boys Cost per Month		Girls Cost per Month	
	A	B	A	B
Under 2	$ 5.20	$ 6.93	$ 5.20	$ 6.93
2 " 3	5.42	7.15	5.20	6.93
3 " 4	5.63	7.15	5.42	6.93
4 " 7	5.85	7.37	5.63	6.93
7 " 8	6.28	7.58	5.85	7.15
8 " 9	6.72	8.02	6.28	7.37
9 " 11	7.58	8.67	6.50	7.80
12 " 15	9.20	11.00	7.37	8.45
15 " 16	9.75	11.92	7.80	8.88
Over 16	10.83	12.78	9.10	9.75

Qualifications for food allowances:

1. Family of three or less, B allowance for each member.
2. Nursing mother, $13.65 (no extra allowance for baby).
3. Use B allowances where special nourishment required.
4. Deduct one-fourth allowance for adults eating lunches regularly away from home and make special allowance for lunches in budget estimate.
5. For all cases in which B allowance not recommended in above qualifications, use A allowance.
6. Allow for the average mother $9.10 per month.

Clothing:

Woman at work	$7.50
Woman at home	5.53
Older girl at work	7.50
Older boy at work	7.44
Girl 10-14 years	4.41
Boy 10-14 years	4.54
Child 6-10 years	3.62
Child 3-6 years	2.67
Child of 2 or under	2.78

Insurance. Each family considered separately.

HOUSEHOLD EXPENSE ACCOUNT

INCOME

Mothers' Aid check ..... $.....

Mother's work .....

Children's work—1 .....

2 .....

Boarders or lodgers .....

Gifts (list articles received and from whom) .....

Amount received .....

Total ..... $.....

Amount on hand at beginning of month ..... $.....

Amount received during month .....

Subtract amount spent .....

Total on hand ..... $.....

List dates when supplies were bought.

EXPENDITURES

Date	Meats	Fruits, Vegetables	Flour, Sugar, Coffee	Clothing, Shoes	Household Furnishings	Running Expenses	Insurance, Savings	Advancement
July 1	eggs		one sack flour		curtain material	kerosene	insurance, 60c.	Church, 10c.
5						Ivory soap		
6		snaps			rag rug			
8			sugar, hominy, grits					tablet and pencil, 10c.
9	fish							
10				boy's pants				
12								magazine, 25c.
13				five yds. gingham			John saves 10c. a week for his education	
Etc.								
Total	$	$	$	$	$	$	$	$

Advancement includes Health, Education, Recreation, and Church.

Grand total, $.....

HEALTH

The health of the family is one of the great problems in Mothers' Aid. In the majority of cases the mother has been trying to the limit of her strength to keep her children with her. She has neglected herself and her nerves are on edge. If this disintegrating process has not gone too far, often the doctor who examines her will say "rest and relief from worry about money matters is what she needs." If this fight, against odds too heavy for her, has gone on long, there may be organic trouble or incipient trouble that will take time and money to straighten out before the mother is in condition to care for her children. Sometimes teeth, eyes, tonsils, falling arches need attention.

Children are frequently undernourished, their eyes, teeth, tonsils in bad condition. Sometimes they are found to have incipient tuberculosis, hookworm, or are crippled. (See Constructive Work Examples.)

Physical Examinations

If each county will have thorough physical examinations made of each member of the family before the grant is made, much time and energy will be saved. It is hard to persuade a mother already getting checks to have an examination later.

Health Departments

If the county has a whole-time health officer, county nurse, or both, the superintendent should talk with them about the Mothers' Aid cases and get their help in examinations and treatment whenever possible.

Physician

If there is no county health officer, then the local physicians will generally be found willing and able to help, if they understand the work and the need.

Specialist

When a case for a specialist comes up, eyes, ears, nose, throat, tuberculosis, etc., a doctor should be consulted. His interest should be enlisted in the constructive preventive work being done and his best terms should be requested for the family. If the mother can pay even a small amount on the bill, monthly, it will be better for her than to accept too much from charity.

Hospitals

The superintendent should know the hospital situation in his county. He should talk over the case he wants admitted and give the institution the sort of coöperation that he expects from it.

Clinics

The superintendent should find out ahead of time prospective clinics for eyes, teeth, cripples, etc., and get patients needing attention in touch with the doctors.

To put mother and children in good physical condition and keep them so, to help mother financially so she can keep her children in school, are the greatest opportunities the State has in Mothers' Aid work.

EDUCATION

The law requires that every child be kept in school until he or she is fourteen. The mother on the county and State Mothers' Aid list is under double obligation to do this, for she is receiving aid with this end in view. She should not have to offer as excuse in cotton and berry and tobacco seasons that she has to keep them out to make money. If the county and State are helping, they are under obligations to help enough, otherwise they are breaking their contract.

Whether or not a child stays in school after he is fourteen depends largely on the child's ability and the superintendent's efforts. If the child has been slow, uninterested, anxious to get out and work, perhaps further time spent in school would be useless. Effort to find him a job "with a future" would be more worth while. On the other hand, an ambitious, gifted, intelligent child who wants to continue through high school and college, or take special work, should have an opportunity to go on. The superintendent, or a member of his board, should exhaust every source of help to give the child his chance.

In one county the Kiwanis Club furnished clothes and books for a fifteen-year-old girl who wanted the home economics training in the high school. She worked in the summer.

In another county a Rotarian gave a boy a flute and made arrangements for lessons. The boy worked after school, on Saturdays and during the summer, and finally paid for his lessons himself.

In still another family the superintendent got several Sunday School classes and individuals to finance a sixteen-year-old girl at a boarding school for a year. If she makes a good record this year, further plans will be made.

A boy of fifteen wanted to finish high school and then work as apprentice in a machine shop. He could not learn Latin. A talk with the principal helped. The boy dropped Latin, concentrated on his other studies, worked Saturdays and in summer, finished his course, and is now doing well as an apprentice and helping his mother.

This question of "vocational guidance" is a grave responsibility in our work. It is the business of the county and State departments of welfare to know the abilities and opportunities and desires of the children receiving aid and to steer them in the right way. "The greatest adjustments which the individual makes in life are to love and to work. If the children under our care are nurtured and reared to their working years in good homes, and if they are aided in finding jobs suited to their individual capacities for self-expression, we will have done our part in giving them a foundation for that greatest of the arts, the art of developing one's own character."

The tendency to take a mother off the list as soon as she has one or more children above fourteen is one that should be eliminated. Children above twelve and fourteen should realize, as much as possible, the home situation and be trained to do their part of the work and to make enough to buy their own clothes if possible, but no group of county officials should throw the entire support of a family on the older children. Too many times such a policy results in the children's leaving home and "going on their own."

IX. SUMMARY OF 206 CASES OF MOTHERS' AID

(All the approved cases up to August 15, 1924.)

The following study, made by Mr. George Lawrence, of the School of Public Welfare at the University of North Carolina, was first printed in the Biennial Report of the State Board of Charities and Public Welfare to the General Assembly of 1925. Because the study is still true of present conditions in Mothers' Aid families, it is reprinted here.

During the first year of operation of Mothers' Aid in North Carolina, or to be more exact, from August 1, 1923, when the first case was approved up to August 15, 1924, a total of 206 cases were approved by the State Director of Mothers' Aid.

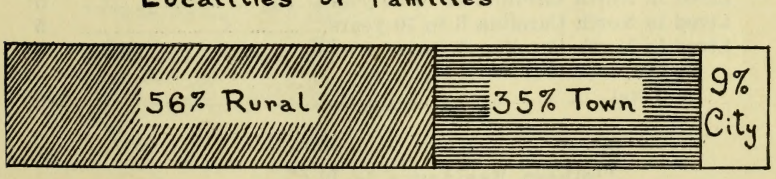
Information on these 206 cases was tabulated, classified, and summarized in order that it might be made clear just who were the people being assisted and what were some of the pertinent facts regarding their social and economic status.

A. Localities of Families:

Chart 1 shows clearly that our problem with Mothers' Aid in North Carolina is largely a rural one. This, however, is to be expected when we consider that in spite of the many people engaged in manufacturing ours is still primarily a rural population.

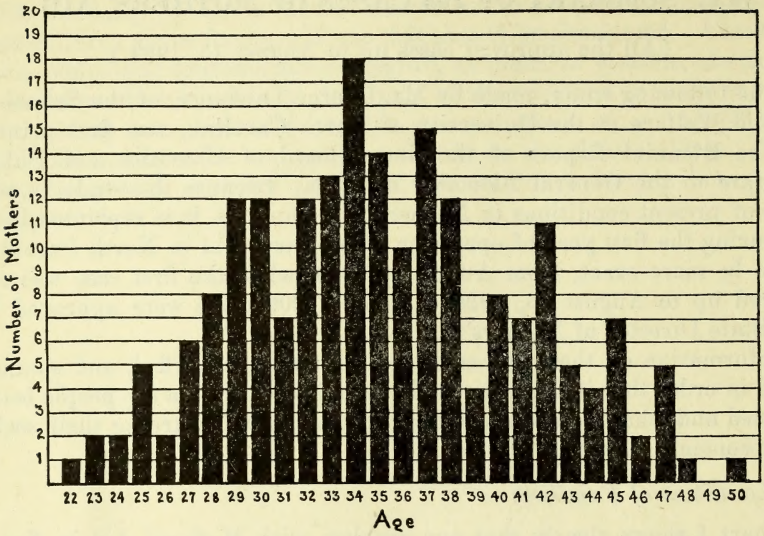
"City" defined as a place of 20,000 population or over.
"Town" defined as an incorporated place of under 20,000.
"Rural" defined as all unincorporated places.

City	19
Town	71
Rural	116
	206



B. Ages of Mothers:

The mothers being assisted range in ages from 22 to 50 years, averaging 35.2 although 34 is the most frequent age. Thus it is seen we are dealing with women who are mostly in the prime of life at the stage of maturity where we could expect them to give of their best for their children.

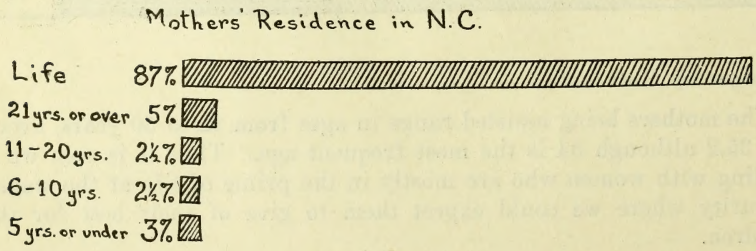


Range—from 22 to 50 years.
Average age—35.2 years.

C. Length of Mothers' Residence in North Carolina:

Our law requires a residence in the State of 3 years, but it is interesting to note the exceptionally high percentage of mothers who have spent their entire lives in North Carolina. Not a single mother is foreign-born, and practically all of the 13 per cent not natives of North Carolina came from the adjoining states of South Carolina and Virginia.

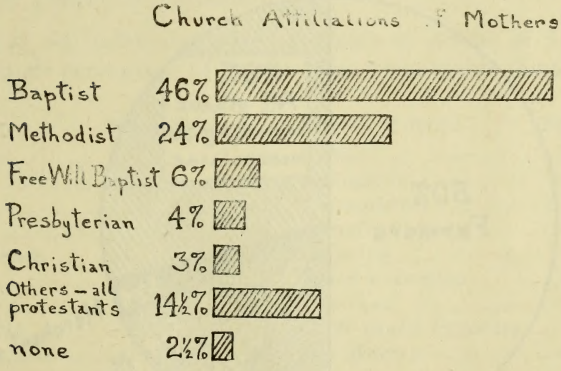
Lived in North Carolina for life	179
Lived in North Carolina 21 years or over	11
Lived in North Carolina 11 to 20 years	5
Lived in North Carolina 6 to 10 years	5
Lived in North Carolina 5 years or under	6
Total	206



D. Church Affiliations of Mothers:

Because of the variations of standards as to just what constitutes church membership, affiliations were listed rather than memberships. Only 5 of the 206 mothers, or about 2 per cent, have no church affiliation.

Denomination	*No. of Mothers*
Baptist	95
Free Will Baptist	12
Primitive Baptist	3
Methodist	49
Methodist Protestant	5
Presbyterian	8
Christian	7
Episcopalian	4
A. R. P.	3
Reformed	3
Holiness	3
Moravian	3
Lutheran	2
Quaker	2
Morman	1
Church of Living God	1
No affiliation listed	5
Total	206



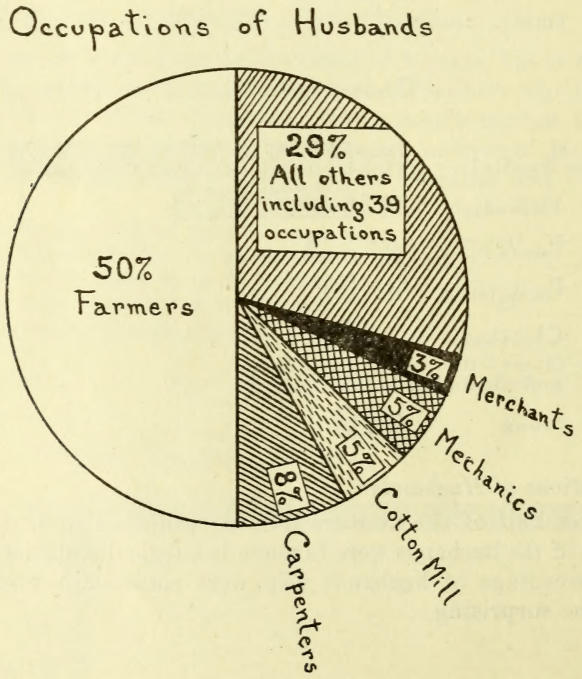
E. Occupations of Husbands:

Since over half of the mothers live in rural localities, the fact that 50 per cent of the husbands were farmers is a logical sequence. To many the low percentage of husbands who were cotton-mill workers, 5 per cent, will be surprising.

Occupation	*No. of husbands*
Farmer	103
Carpenter	16
Cotton Mill	11
Mechanic	11
Merchant	7
Sawmill	4
Day Laborer	4
Painter	3
Barber	3
Furniture Factory	3
Clerk	3
Electrician	3
Plumber	2
Preacher	2
Railroad Work	2

One each of the following:

Blacksmith
Bookkeeper
Brick Mason
Car Cleaner
Car Repairer
Carpenter and Policeman
Fisherman
Garage Helper
Hospital Attendant
Insurance Agent
Insurance Agent and Jitney Driver
Interior Decorator
Iron Worker and "Hot Dog" Stand
Jitney Driver
Jobber
Laundryman
Lumberman
Mail Carrier
Mattress Maker
Meat Market
Planing Mill
Policeman
Postoffice Clerk
Railroad Conductor
Road Construction
Teacher
Tobacco Factory
Transfer Work
Undertaker

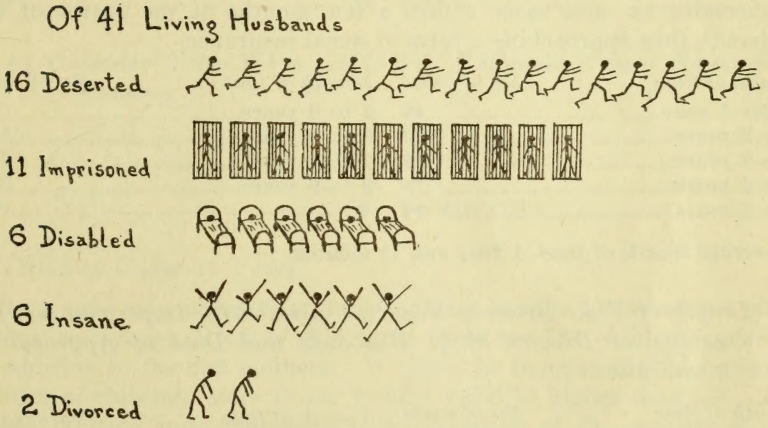


F. Marital Status of Mothers:

Although Mothers' Aid is primarily for the family where the mother is a widow, we find that 41, or 20 per cent, of the husbands are still living.

165 widows
41 have husbands living

206



G. Causes of Deaths of Husbands:

A glance at the following table of causes of deaths of 165 husbands reveals the high percentage of deaths from preventable diseases.

Causes of death	*No. of husbands*	*Causes of death*	*No. of husbands*
Pneumonia	24	Dropsy	6
Influenza	19	Meningitis	4
Tuberculosis	17	Appendicitis	4
Accident	15	Kidney Trouble	4
Bright's Disease	11	Diabetes	3
Typhoid	8	Blood Poisoning	3
Murdered	6	Drowned	3
Heart Trouble	6	High Blood Pressure	2
Paralysis	6	Not Known	3
Cancer	6		

One each of the following:

Acute Indigestion
Apoplexy
Bronchial Asthma
Congestion of Brain
Dysentery
Encephalitis
Gas Gangrene
Malarial Fever
Pleurisy
Ptomaine Poisoning
Rupture
Tumor of Brain
Typhoid Pneumonia
Ulcer of Stomach
Suicide

H. (a) Length of Time Between Death of 165 Husbands and Date of Approval of Application:

Before the passage of the Mothers' Aid Law many of our widows struggled along for years after the death of their husbands without the advantages of State and county assistance, but it is gratifying to find that in nearly one-third of the cases aid has been given within a year of the loss of the family breadwinner. As the time wears on and the full value of Mothers' Aid is appreciated it is hoped that assistance will be forthcoming in most cases within a few months of the deaths of the husbands, thus approaching a form of social insurance.

Length of time	*No. of cases*	*Length of time*	*No. of cases*
Under 1 year	48	5 to 6 years	9
1 to 2 years	45	6 to 7 years	5
2 to 3 years	21	7 to 8 years	2
3 to 4 years	18	8 to 9 years	3
4 to 5 years	14		

Average length of time, 1 year and 11 months.

(b) Length of Time Between Desertion, Disability, Imprisonment, Insanity, or Divorce of 41 Husbands and Date of Approval of Application:

Length of time	*No. of cases*
Of 16 Deserting Husbands	
Under 1 year	4
1 to 2 years	3
2 to 3 years	4
3 to 4 years	1
4 to 5 years	2
6 to 7 years	1
No date of desertion	1
Of 6 Disabled Husbands	
Under 1 year	1
2 to 3 years	3
3 to 4 years	2

Length of time	*No. of cases*
Of 11 Imprisoned Husbands	
Under 1 year	8
1 to 2 years	1
2 to 3 years	2
Of 6 Insane Husbands	
1 to 2 years	2
2 to 3 years	3
6 to 7 years	1
Of 2 Divorced Husbands	
2 to 3 years	1
5 to 6 years	1

Average length of time:
Desertions—2 years, 2½ months; disabled—2 years, 3 months; imprisoned—10½ months; insane—2 years, 7½ months; divorced—3 years, 6 months.

The Division of Mothers' Aid has ruled that no deserted mother may apply under one year, and only after every effort has been made to require the husband to assume his financial obligations.

From the above figures it would seem that the families of imprisoned men come most quickly to our attention. It is possible, however, that at a later date, when a greater number of cases are tabulated, that the results will disapprove this assumption.

I. (a) Calendar Year of Deaths of 165 Husbands:

The following two tables simply augment the preceding two, although by means of them it may be possible to better estimate the extent of our problem for the next year or two.

1924	7	1919	10
1923	41	1918	9
1922	44	1917	5
1921	21	1916	2
1920	23	1915	3

(b) Calendar Year When 41 Living Husbands Ceased Supporting Families:

1924	4	1920	4
1923	11	1919	3
1922	7	1917	2
1921	9	No date given	1

J. Children Under 14 Years:

By a mere coincidence this study includes exactly 1,000 persons given assistance through Mothers' Aid, since there are 794 children under 14 in addition to the 206 mothers. It might be thought that the average number of children under 14 per family would be higher than 3.9. The length of time from marriage to the cessation of the support of the husband in a large measure accounts for this figure.

Total number in 206 families	794
Average per family	3.9
Range per family	1 to 8
Number of families with one child under 14	3
Number of families with two children under 14	33
Number of families with three children under 14	42
Number of families with four children under 14	68
Number of families with five children under 14	38
Number of families with six children under 14	18
Number of families with seven children under 14	3
Number of families with eight children under 14	1
Total families	206

K. Children 14 Years Old and Over:

In over half of the 78 families where there were children 14 years old or over there was only one such child per family. This indicates that these families in most cases cannot count on much financial help from the older children simply because there are not enough of them, neither are they of sufficient age to replace the income which formerly was provided by their fathers.

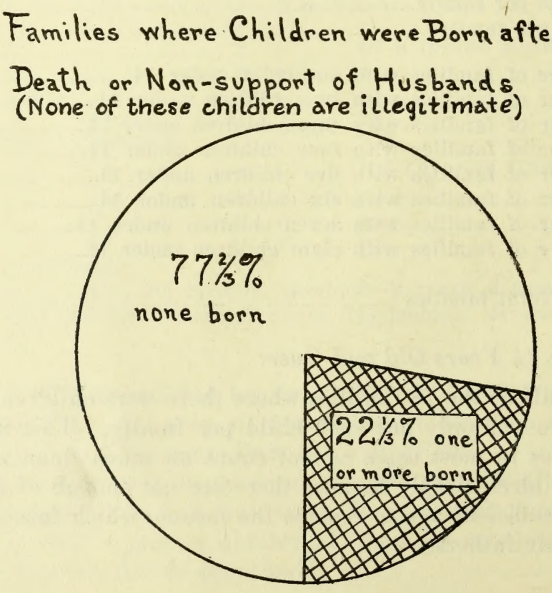
In 78 of the 206 families there were children 14 years or over, totaling 130.
Average per family of these 78 families, 1.7.
Range, 1 to 5.

Number of families with one child 14 or over	43
Number of families with two children 14 or over	25
Number of families with three children 14 or over	6
Number of families with four children 14 or over	1
Number of families with five children 14 or over	3
Total families	78

L. Children Born After Death or Nonsupport of Husbands:

Something of the hardships which have been endured by many of these mothers is shown by the tables below. In over 22 per cent of all the 206 families a child was born after the husband had been taken away by death, or by circumstances which caused his nonsupport. There were 51 such children in a total of 46 families. None of these children are illegitimate.

In 30 families one child was born after death of husband.
In 2 families twins were born after death of husband.
Total of 34 children born after death of husband.
In 5 families one child was born after desertion of husband.
In 3 families one child was born after imprisonment of husband.
In 3 families one child was born after insanity of husband.
In 2 families one child was born after disablement of husband.
In 1 family 4 children (triplets and one other) were born after disablement of husband.
Total of 17 children.



M. Occupations of Mothers Other Than Housekeeping:

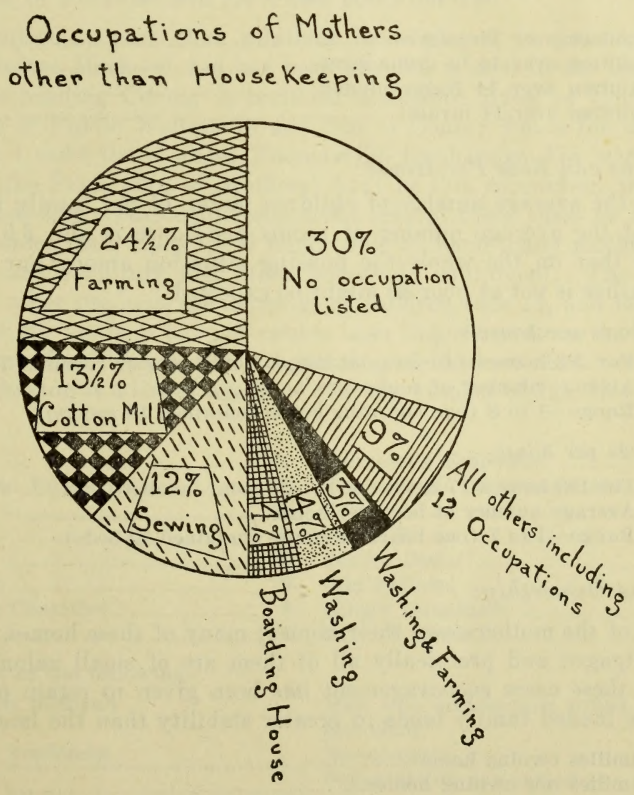
Among the occupations of the mothers, farming plays a major part. And this in most cases means no less than it would if the term were applied to a man—plowing the land, working the crops, and gathering the harvest. Whereas there were only 11 husbands listed as mill workers we find 29 mothers so engaged. This indicates that several women, after having been deprived of their husbands, consider mill work better adapted to their needs than some of the other occupations.

Occupation	*No. of mothers*	*Occupation*	*No. of mothers*
Farming	51	Washing and Farming	6
Cotton Mill	28	Washing and Sewing	3
Sewing	25	Sewing and Farming	3
Boarding House	8	Washing and Ironing	2
Washing	8	Clerk	2

One each of the following:

Bookkeeper
Cotton Mill and Boarding House
Farming and Caretaker
Farming and Worker in Laundry
Film Inspector
Makes Baskets
Makes Berry Crates
Merchant

Total of 144 out of 206 mothers.



N. Occupations of Children 14 Years and Over:

Of the 130 children over 14, occupations of 60 were definitely listed. The status of 22 others was also given; 35 of the remaining 48 were of rural families—11 from towns, and 2 from cities; in most cases they helped at home; many attend school.

Cotton Mill	16	Odd Jobs	3
Farm Work	9	Telephone Girl	2
Store Clerks	6	Print Shop	2
Tobacco Factory	5		

One each of the following:

Army	Navy
Construction Company	Newspaper Office
Dairy	Railroad Work
Furniture Factory	Sawmill
Hauls Wood	Shuttle Factory
Janitor at School	Teacher
Lumber Company	Training for Nurse
Mica Company	Waitress
Movie House	

Total of 60 out of 130 children

Children over 14 married	18
Children over 14 in orphanages	2
Children over 14 feeble-minded	1
Children over 14 invalid	1

O. Rooms and Beds Per House:

Since the average number of children under 14 per family is 3.9, the fact that the average number of rooms per house is also 3.9 seems to indicate that on the whole the housing situation among our Mothers' Aid families is not as poor as might be expected.

Rooms per house—

For 202 houses (4 cases not listed) total number rooms	790
Average number of rooms per house	3.9
Range—1 to 8 (one boarding house contained 10 rooms)	

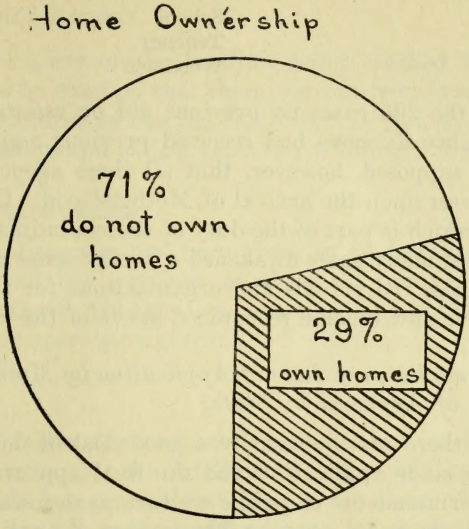
Beds per house—

For 199 houses (7 cases not listed) total number beds	691
Average number of beds per house	3.5
Range—1 to 7 (one boarding house contained 13 beds)	

P. Home Ownership:

Sixty of the mothers own their homes; many of these homes, however, are mortgaged and practically all of them are of small valuation. In most of these cases encouragement has been given to retain ownership since the landed family tends to greater stability than the landless.

Families owning homes	60
Families not owning homes	146



Q. Sources of Previous Aid for These 206 Families:

The important part that relatives have played in assisting these families before Mothers' Aid has been granted is seen in the list below. Under the heading County is included assistance given by County Departments of Public Welfare in addition to County funds for the poor, etc. The 4 cases listed under Thomasville Orphanage Aid were transferred to the State plan of Mothers' Aid; in this connection the State Director has had occasion to recommend several other cases to Thomasville. Besides the 2 cases listed under Sale of Land many mothers were forced to sell furniture and other household equipment. The sale of crops and other produce, the earnings of children over 14, and the wages of some of the mothers have of course been important items in the support of these families prior to the granting of Mothers' Aid.

The following is a list of agencies with the number of families assisted by each:

Relatives	131	Husband's Employer	5
Friends and Neighbors	78	Thomasville Orphanage Aid	4
Churches	49	Kiwanis	2
County	46	K. K. K.	2
Insurance	20	Junior Order	2
Red Cross	9	Odd Fellows	2
Associated Charities	8	King's Daughters	2
Masons	6	Sale of Land	2

One each of the following:

Cash left by husband
City
Husband's bondsmen
Elks
Man who accidentally killed husband
Merchant
Newspaper
Organization not named

Red Men	School
Rotary	Teacher
Salvation Army	Woodmen

In 20 out of the 206 cases no previous aid or assistance was listed. One hundred eighty-six cases had received previous assistance.

Let it not be supposed, however, that all these agencies have ceased their active interest upon the arrival of Mothers' Aid. On the contrary, the supervision which is part of the duty of those administering Mothers' Aid has in a great many cases awakened a keener sense of responsibility on the part of these individuals and organizations for the mothers and children who have now become recognized assets of the State.

R. Length of Time Between Date of Application by Mothers in Counties and Date of Approval by State:

At the outset there was necessarily a good deal of delay between the time the mother made application and the final approval of the State. Our county superintendents of public welfare were unfamiliar with the prescribed procedure and a considerable number of applications received by the State Director had to be returned for further information. Also, since the county commissioners and the county boards of public welfare meet regularly only once a month, applications often are held up to await action from these bodies. Because the State Director has had the field work, and the office work as well, cases have sometimes had to wait attention until her return from county trips. With more complete coöperation between county and State and a more general knowledge of how Mothers' Aid may be secured it is felt that the average length of time of 2 months as listed below can be cut in half.

Length of time	*No. of cases*
Less than one week	5
1 to 2 weeks	6
2 to 3 weeks	20
3 weeks to 1 month	18
1 month to 1½ months	42
1½ months to 2 months	33
2 months to 2½ months	23
2½ months to 3 months	21
3 months to 3½ months	13
3½ months to 4 months	6
4 months to 4½ months	4
4½ months to 5 months	7
5 months to 5½ months	1
5½ months to 6 months	3
6 months to 7 months	1
7 months to 8 months	2
8 months to 9 months	1
Total families	206

Average length of time slightly over 2 months.

S. Juvenile Court Records:

The high character of the families being reached through Mothers' Aid is indicated by the fact that there was one lone juvenile court record among all the children of the 206 families. In this case a boy had been placed on probation and at last reports was doing well.

T. Physical Examinations:

Physical examinations had been given in 63 families out of the 206. In most cases all the members of these 63 families were examined. Many other Mothers' Aid families have since had physical examinations as a part of the supervision given.

U. Illiteracy:

Twenty-four mothers were unable to write, but in every one of these cases it was obvious that the intelligence and capability of these women qualified them as being competent to care for their children. Without exception they are all particularly anxious for their children to secure educational advantages of which they themselves were unfortunately deprived.

V. Others in Household:

In 77 out of the 206 families there were others besides the mother and children living in the same house. Many of these 77 mothers had been taken into homes of relatives after the husbands died, others were boarding relatives or outsiders, and a few lived in two-family houses.

W. Previous Marriages of Mothers:

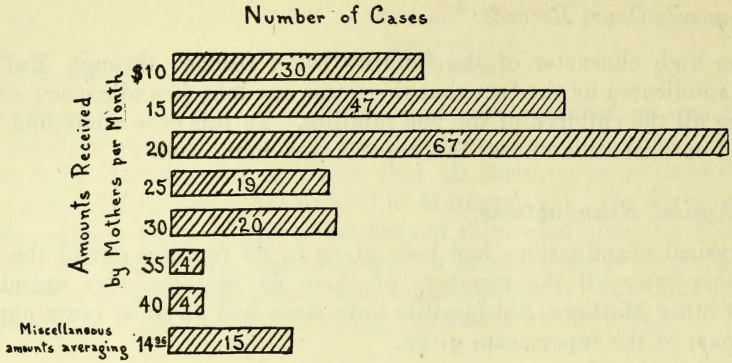
Only 8 mothers had been married twice:

X. Amounts of Aid Granted:

The following figures are for total amounts (half from State and half from county):

Total of $3,944.44 per month for 206 cases.
Average amount per month per case, $19.15.

Amount per month	*No. of cases*
$10	30
15	47
20	67
25	19
30	20
35	4
40	4
Odd amounts averaging $14.96	15



Y. Cancellation of Cases:

The first Mothers' Aid case was approved by the State Director August 1, 1923. On August 15, 1924, there were 191 cases in active operation, 15 having been canceled for the following reasons:

Married	5
Moved out of North Carolina	2
Moved out of county	1
Immorality	2
Mother self-supporting	1
Disabled husband supporting family	1
Deserting husband returned	1
Government pension granted	1
Thomasville Orphanage aid granted	1

Z. Distribution by Counties:

County	*No. of cases*	*County*	*No. of cases*
Alamance	4	Edgecombe	5
Alexander	2	Forsyth	15
Alleghany	1	Franklin	5
Anson	4	Gaston	3
Beaufort	6	Graham	2
Bertie	1	Granville	4
Bladen	4	Guilford	7
Brunswick	2	Halifax	1
Buncombe	11	Harnett	2
Cabarrus	2	Henderson	3
Catawba	2	Iredell	8
Chatham	3	Johnston	8
Cherokee	2	Lee	1
Chowan	1	McDowell	3
Columbus	5	Macon	3
Cumberland	3	Madison	2
Dare	1	Mecklenburg	8
Davidson	9	Nash	1
Duplin	3	New Hanover	4

County	*No. of cases*	*County*	*No. of cases*
Orange	4	Stanly	4
Pasquotank	2	Surry	5
Pender	2	Swain	1
Pitt	3	Union	3
Richmond	3	Vance	1
Robeson	7	Wake	7
Rockingham	3	Wayne	4
Rowan	3	Wilson	1
Scotland	2		

Total of 55 counties represented.

CLIPPINGS FROM LETTERS OF MOTHERS

"Many, many thanks for the check received recently. Am oh so grateful."

"Without Mothers' Aid checks I could not keep my children with me, but would be compelled to give them up. I am trying earnestly to teach them to be Christians, and to love the State that is doing so much for them. I will be glad of any advice you can give us—especially on nourishing foods for the children.

"May God bless all the noble ones who have made this possible for us."

"Novella said tell you she had been trying to drink milk, and they say they want you to come again. They will start school Monday. Well, you may know I am appreciating your work, for it certainly helps me."

"We are all three so thankful to our county and our State and will try to prove this by living right. Earle often adds to his prayer, 'God bless the Mothers' Aid.' "

"That Mother Goose Health Book you sent sure is fine. I can't read myself, but May has read it to all of us."

"I have received all the nice books and papers and we do appreciate them all. Our crops are looking good. Hurry and come back to see us."'

"I want the Mothers' Aid Director to know how thankful I am of what they are doing for me. and I also feel so glad that this is for all the needy mothers with small children."

"I will write you a few lines and send you the account of what I have spent and tell you we are getting along very well. All the children are going to school and learning fast."

"I sure do thank you for the kindness which you have turned to me. The children all beg to be remembered to you."

"When I began to get help I was in debt and now I am able to settle all my debts and think I will be able to clothe the children and start them in school very soon. If it had not of been for the help I don't know what I would of done. I appreciate it so much. I want to give you my thanks for you good people that is working for us."

The State Director has been making kodak pictures of the Mothers' Aid families. One of these pictures is so attractive and so typical that it was decided to use the picture for the little questionnaire bulletin, if the mother agreed. She replied: "I received your letter today. I would rather you would not use our picture. As I am not much of a public woman I don't care to have my picture in public."

This spirit is typical of the mothers receiving aid.

One little girl writes: "I am glad for mama to get this help for us." "We have been to town and had our teeth fixed."

A mother writes her county superintendent: "I received my December Mothers' Aid check this evening and thank you for same. We are getting along very well at the present, the children are in school."

"You know you told me you didn't give the Mothers' Aid to those who stay away from their children. It sure did please me to hear that, for I don't want to stay away from mine. You see, I wasn't getting the Mothers' Aid. If I had been I would have been with my children."

APPENDIX

SUPERINTENDENT'S LIBRARY FOR MOTHERS' AID

Social Diagnosis (Mary E. Richmond)—Russell Sage Foundation.

What is Social Case Work (Mary E. Richmond)—Russell Sage Foundation.

The Delinquent Child and the Home (Breckenridge & Abbott)—Russell Sage Foundation.

Social Case History (Ada E. Sheffield)—Russell Sage Foundation.

Broken Homes (Colcord)—Russell Sage Foundation.

The Family and Social Case Work (Edward T. Devine)—The Survey.

Child Training (Angelo Patri)—The Survey.

The Child's Unconscious Mind (Lay)—The Survey.

Youth in Conflict (Van Waters)—The Survey.

Successful Family Life (Abel)—Lippencott.

What Men Live By (Cabot)—Houghton Mifflin.

When Fathers Drop Out—Society for Improving Condition of the Poor, New York.

Standard of Care for Children in Their Own Homes—U. S. Department of Agriculture, Washington, D. C.

Bulletins on Living Conditions and Family Living in Farm Homes of Various States—U. S. Department of Agriculture, Washington, D. C.

Manual of Mothers' Assistance Fund—State Department of Welfare, Harrisburg, Pa.

Rural Standards of Living—N. C. A. and E. College, Raleigh, N. C.

BULLETINS FOR MOTHERS

	At Raleigh, N. C.
State Forester	Dept. of Conservation and Development.
Bulletins	Child Welfare Commission.
Poultry Raising Bulletin	N. C. Agricultural Department.
Gardening Bulletin	N. C. Agricultural Department.
Household Bulletin	N. C. Agricultural Department.
Health Bulletin	N. C. State Board of Health.
Bulletin 447 (Bees)	U. S. Department of Agriculture.
Bulletin 961 (Modern Hives)	U. S. Department of Agriculture.
Bulletin 653 (Honey)	U. S. Department of Agriculture.
Bulletin 1409 (Turkey Raising)	U. S. Department of Agriculture.
School of Applied Arts	Battle Creek, Michigan.
Woman's Institute of Domestic Arts and Sciences	Scranton, Pennsylvania.
Franklin Institute	Rochester, N. Y.
Homekraft Studio: Weaving	No. 50 Barrow Street, New York.
Miscellaneous Bulletins	Metropolitan Life Ins. Co., N. Y.
Bulletin on Bulbs	U. S. Experiment Station, Willards, N. C.

X. CHILD LABOR LAWS

5032. **Employment of children under fourteen regulated.** No child under the age of fourteen years shall be employed or permitted to work, in or about or in connection with any mill, factory, cannery, workshop, or manufacturing establishment. No child under the age of fourteen years shall be employed, or permitted to work, in or about or in connection with any laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, bootblack stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, public works, or any form of street trades, except in cases and under regulations prescribed by the Commission herein created, provided the employments in this section enumerated shall not be construed to include bona fide boys' and girls' canning clubs recognized by the Agricultural Department of this State, or vocational training classes authorized by the State Board of Education, and such canning clubs and vocational classes are hereby expressly exempted from the provisions of this article.

5033. **Prohibited employments of children under sixteen.** No person under sixteen years of age shall be employed, or permitted to work, at night in any of the places or occupations referred to in the first preceding section, between the hours of nine p.m. and six a.m., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine, nor shall any child under the age of sixteen years be employed, except in cases and under regulations prescribed by the Commission herein created, when (1) such child has symptoms of disease contributory to retardation or disability; or (2) when determined by physical examination that employment of such child is injurious to its health; or (3) employed when surrounding conditions are injurious to its morals; or (4) employed when dangerous employment hazards are present.

5034. **Age certificates.** No child under the age of sixteen years shall be employed in any of the ways enumerated in this act unless at the time of such employment the employer shall in good faith procure, rely upon and place on file, a certificate issued in such form and under such conditions and by such persons as the said Commission herein provided for shall prescribe, showing that the person is of legal age for such employment, and the laws and rules made by the State Child Welfare Commission under authority of this act have been complied with. The possession of such certificate by an employer shall be prima facie evidence that he has complied with the requirements and obligations of this act when employing such child. No person shall knowingly make a false statement or present false evidence in or in relation to any such certificate or application therefor or cause any false statement to be made which may result in the issuance of an improper certificate of employment.

LIMIT OF HOURS—MINORS, WOMEN, ADULTS

(Consolidated Statutes, Section 6554)

6554. **Week's work to be sixty hours.** Sixty hours shall constitute a week's work in all factories and manufacturing establishments of the State, and no minor nor woman shall be worked in such factory or establishment a longer period than sixty hours in one week, and no adult male shall be worked in such factory or establishment for a longer period than sixty hours in one week unless there shall be a written contract entered into between said adult male and his employer to that effect in which the employer shall

agree to pay said adult male extra compensation for extra hours he may work. No employee in any factory or manufacturing establishment in this State shall be worked exceeding eleven hours in any one day: *Provided*, this section shall not apply to engineers, firemen, superintendents, overseers, section and yard hands, office men, watchmen, or repairers of breakdowns.

1915, c. 148, s. 2.

[PUBLIC LAWS 1919]

CHAPTER 100

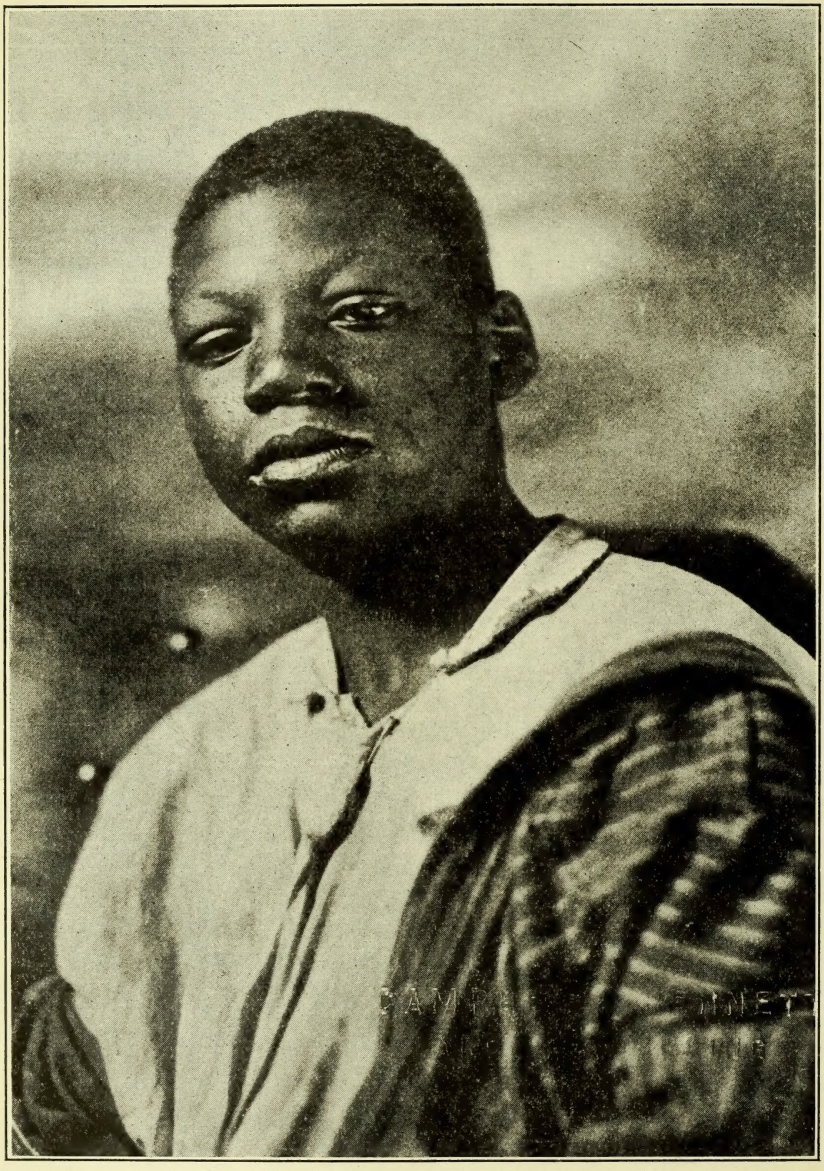
AN ACT TO PROVIDE FOR THE COMPULSORY ATTENDANCE UPON THE PUBLIC SCHOOLS OF CHILDREN BETWEEN CERTAIN AGES, AND TO REGULATE AND RESTRICT THE EMPLOYMENT OF CHILDREN, AND TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT AND OF CHAPTER 83, PUBLIC LAWS OF 1913, AND CHAPTER 857, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. Every parent, guardian, or other person in the State of North Carolina having charge or control of a child between the ages of eight and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

SEC. 2. Any parent, guardian, or other person referred to in section one of this act, violating the provisions of the aforesaid section, shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars ($5), nor more than twenty-five dollars ($25), and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.





FRANK—ONE OF NORTH CAROLINA'S SOCIAL LIABILITIES

This 13-year old feeble-minded boy is an acute example of the results of unhealthy social conditions which the State Board of Charities and Public Welfare, through its Division of Negro Work, is trying to solve by encouraging sound constructive social work.

NORTH CAROLINA'S

Social Welfare Program

FOR

NEGROES

SPECIAL BULLETIN NUMBER 8

ISSUED BY THE

NORTH CAROLINA STATE BOARD OF CHARITIES AND PUBLIC WELFARE

KATE BURR JOHNSON, *Commissioner*

RALEIGH, N. C.

1926

"We hold our title to power by the tenure of service to God, and if we fail to administer equal and exact justice to the Negro we shall in the fulness of time lose power ourselves, for we must know that the God who is Love trusts no people with authority for the purpose of enabling them to do injustice to the weak."

—Governor Aycock.

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LETTER OF TRANSMITTAL

Mrs. Kate Burr Johnson,
Commissioner of Public Welfare,
Raleigh, North Carolina.

My dear Mrs. Johnson:

I am submitting herewith a digest covering the program and activities of the Division of Negro Work for the eighteen months period, ending June 30, 1926; together with recommendations for the future development of the work of this division.

The objectives realized, and the other results coming out of this pioneer effort in the field of social welfare work among Negroes in North Carolina are offered for publication in the hope that this material may be helpful to boards of county commissioners, county boards of public welfare, county superintendents of public welfare, and others charged with the responsibility of promoting the social welfare of the Negro.

Respectfully,
Lawrence A. Oxley,
Director Division of Negro Work.

December 1, 1926.

FOREWORD

A new movement is stirring in the South. It relates to the Negro. It is born of an honest admission on the part of numerous white people that the Negro deserves opportunities for development and expression of his powers. The Negro is being given new responsibility and a more enlightened regard. This he has won by his own honest efforts to improve himself.

The North Carolina State Board of Charities and Public Welfare had long felt that—not from lack of sympathy but from lack of funds—its program for social betterment had not been applied to the Negro as comprehensively as it should have been nor made as definite a part of this new movement as could be wished. As North Carolina was sympathetic to the new movement in other important respects, the State's lack of an adequate program of public welfare work among the Negroes made a serious gap to be bridged. Inter-racial relations in North Carolina were good. For the most part people had stopped worrying unduly about the "race problem" and had settled down to a calm and sensible existence. The State had awakened to a duty to perform rather than a problem to solve. There had not been a lynching in North Carolina for several years. We had an excellent division of Negro Education. There was a rapidly increasing group of intelligent, independent Negroes in the State to whom we could look for sanity and unselfishness in coöperation and leadership. It was clear that North Carolina should no longer lag behind in a definite program which has for its objective the decrease of crime, poverty and defectiveness among the Negroes.

The beginning of such a program on January 1, 1925, was made possible through part of a joint grant from the Laura Spelman-Rockefeller Memorial Foundation made to the State Board of Charities and Public Welfare and the School of Public Welfare of the University of North Carolina for a four-county demonstration. An able and conscientious man, Lieutenant Lawrence A. Oxley was selected to direct it under the supervision of the State Board of Charities and Public Welfare, as the head of the board's Division of Work Among the Negroes. The report which he presents here tells of the work's sympathetic reception and progress by coöperation on the part of whites and Negroes which justify the State Board of Charities and Public Welfare in asking the continuation and expansion of the program by appropriation from the North Carolina General Assembly.

KATE BURR JOHNSON.

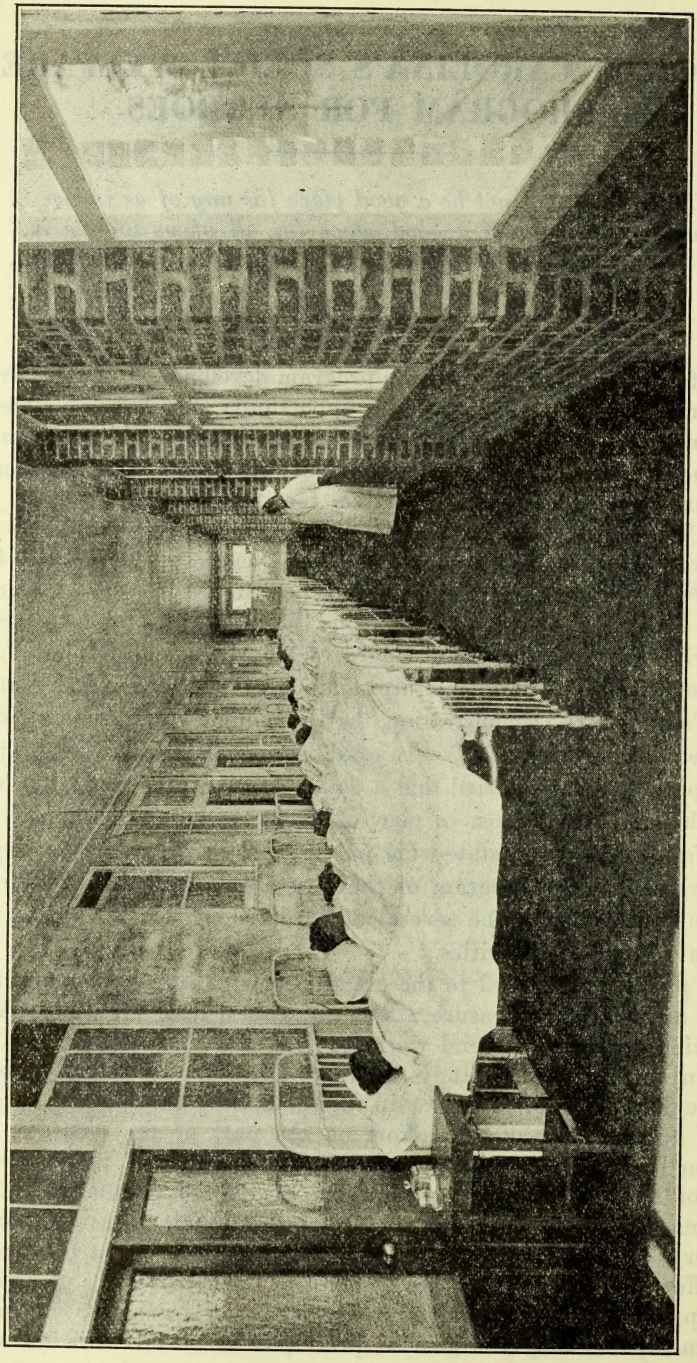
NORTH CAROLINA'S SOCIAL WELFARE PROGRAM FOR NEGROES

"This world will not be a good place for any of us to live in unless we make it a good place for all of us to live in."
—ROOSEVELT.

The following short story of the program development of the Division of Work Among Negroes, affords opportunity for a brief statement outlining the purpose of the division; its major two-fold program; the subsequent organization and development; its accomplishments; and a brief summary of aims and objectives for the future.

The State Board of Charities has endeavored over a period of years to provide a social welfare program for Negroes; but lack of funds prevented any organized effort in this field of Negro work. Through means of part of a joint grant from the Laura Spelman-Rockefeller Memorial Fund, to the State Board of Charities and Public Welfare and the School of Public Welfare of the University of North Carolina for a Four-County Demonstration, the Division of Work Among Negroes was created January 1, 1925. In establishing the Negro Division it was the hope of the State Board that a demonstration program could be put on with the ultimate idea in view of using the results obtained as the basis for developing a state-wide public welfare program for Negroes. In working out the program of the Negro Division, close contact has been maintained with the several other divisions which operate under the State Board of Charities.

The purpose which led to the creation of this important department was to meet in some measure a long recognized need for a constructive state-wide program of social work for Negroes. Two objectives of the division are: intelligent study of Negro life with its social problems; and the developing of programs in the community through the stimulating of coöperative self-help effort on the part of the Negroes. The division from the beginning has had to "blaze a trail" in the development of a social welfare program for the Negro population. North Carolina was the first state in the Union to attempt, in a very concrete manner, the active promotion of a public welfare program for Negroes. The effort, started as a venture of faith in the possibilities of a race to develop its own leaders, and organize its social forces for community betterment, had only the general principles of social work technic to



THE MEN'S WARD
Negro Division, State Tuberculosis Sanatorium
Sanatorium, N. C.

guide the initial steps. However, real progress and constructive results in the social well-being of a people handicapped by bad traditional environmental influences plus a variety of social diseases, have rewarded the efforts of workers in this pioneer field.

From the start the idea has been stressed that welfare work of a constructive nature for Negroes, could not be "put over on them" but, that on the other hand, the work, if it was to prove worthwhile and permanent in character, must be developed with the Negroes fully understanding and assuming in large degree responsibility in solving their own problems. With the full realization that policies cannot be defined and intelligently carried out without a knowledge of the conditions which exist in the field, the director of the division has endeavored to make short social studies of cross-sections of Negro life in several typical communities. The results of these studies have served as a basis for determining the policies which guided each step in the program development.

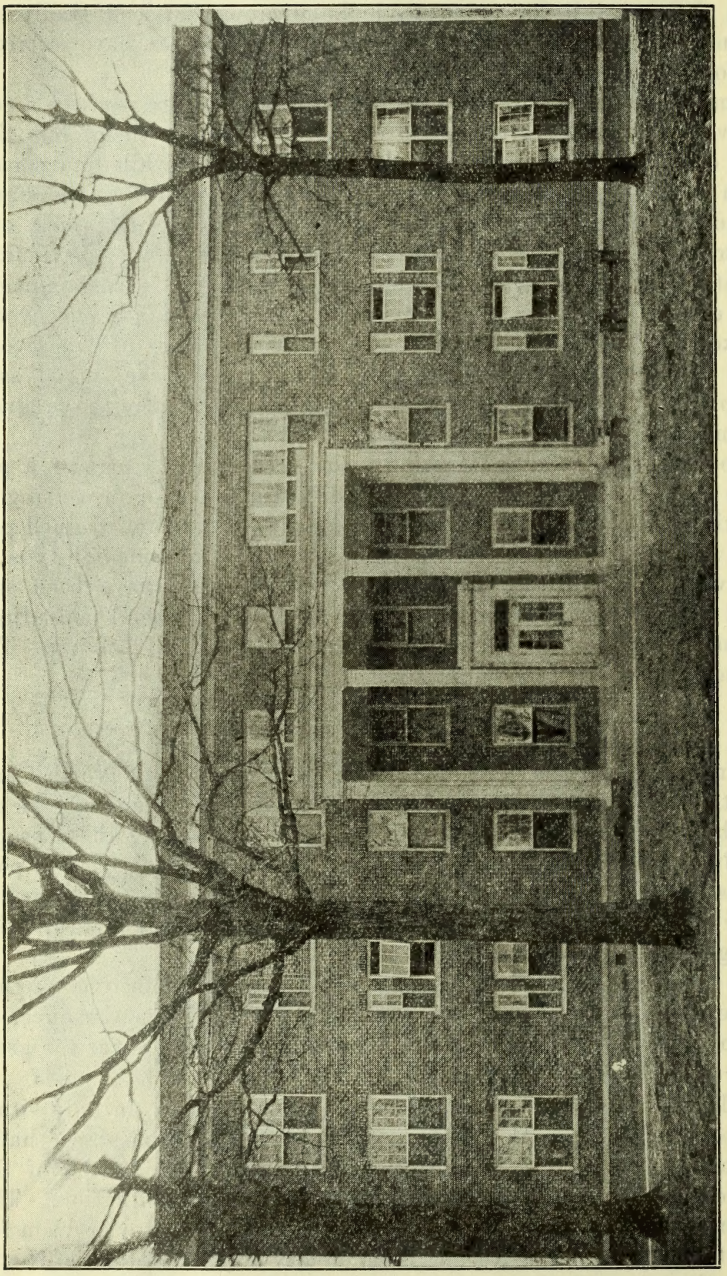
An outline of objectives of the division will serve to present a pen picture of the progress made, and also afford a basis for measuring or evaluating the results obtained. Were adequate funds and trained personnel available, and had the division attempted a remedial type of social work for Negroes, the whole program would have been submerged beneath a mass of social ills and problems of racial mal-adjustment, most complex in character, and most difficult of solving. The constructive note has been emphasized.

THE PROBLEM

The masses of Negroes crowded in the mean quarters of North Carolina cities present problems in human depravity that can only be relieved by slow growth and the planting of desire among these people themselves to improve their condition. The squalid shacks of poor Negroes and the filthy "bed houses" where a great army of migrants live for a day or a week present basic problems that must be dealt with if any good is to come from the work.

Here are the hotbeds of disease, crime, and mental defectiveness that must be cleaned up if both races are not to suffer from the effect of these social ills in an ever increasing degree. The work is far too great for any quick success or early results. But a start has been made.

The lack of wholesome recreational facilities presents an ugly situation along beside the rather large number of questionable dance halls, gambling "clubs," and even more vicious resorts. The apathy of the Negro of the lower class is probably an even worse situation. The development of a program of public welfare cannot be left a problem for the white people to deal with. It is inherently a question for the Negro to solve for himself. It must come about through education and the

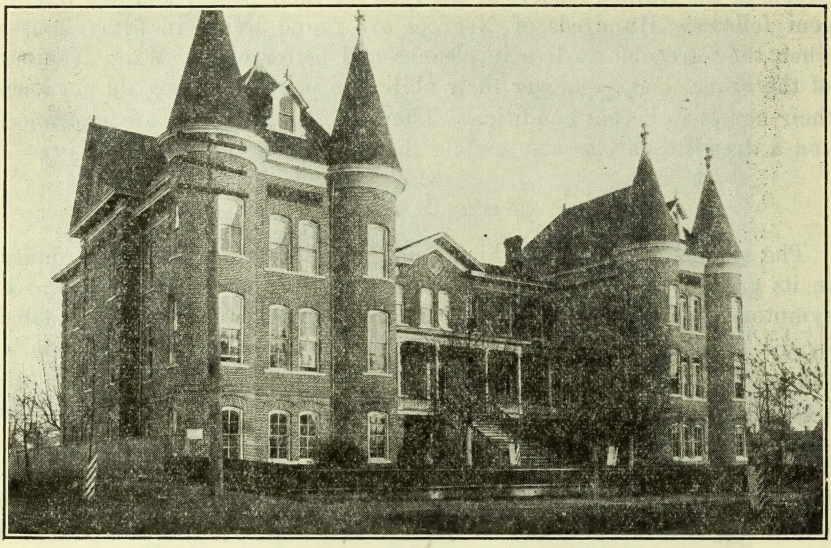


LINCOLN HOSPITAL
Durham, N. C.
A general hospital for Negroes.

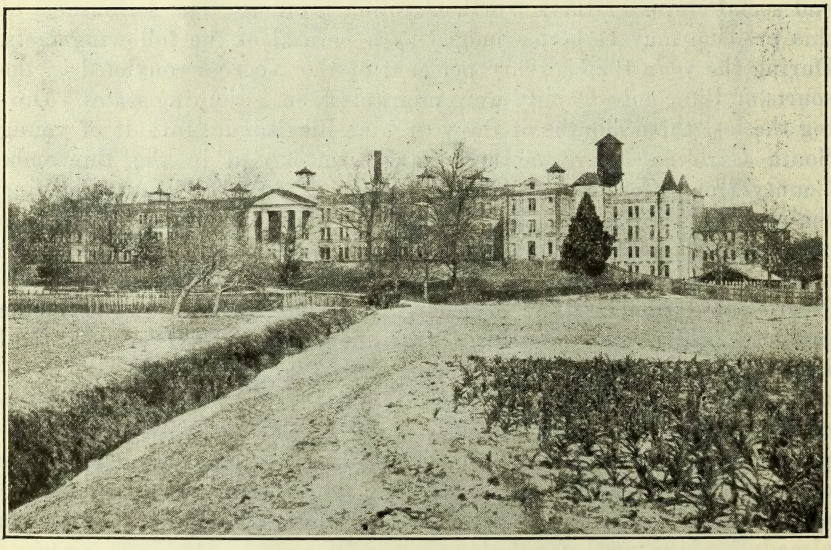
efforts of the trained leaders of the race for their poorer and less intelligent fellows. Hundreds of Negroes are found living in filthy houses when they are able to live in cleaner and better ones. Many Negroes of the lower class, whatever their ability to pay for houses, do not keep their homes in decent condition. There is a slothfulness, an ignorance, and a dreadful carelessness among them.

Negro Migration

The serious crime wave which held Asheville and Buncombe County in its grasp during the months of August and September, 1925, was a symptom of a more fundamental social disorder. Asheville is located in the extreme western part of the State, where one finds within a radius of forty miles, the State line of Georgia, Tennessee and South Carolina. Long ago North Carolina assumed leadership over the entire South in the fields of Negro education, health, and social welfare. The states contiguous have not kept pace with the progressive, constructive program North Carolina provides for the welfare of the Negro within its borders. Negroes in the adjoining states, noting the increased opportunities and achievements of the Negroes in North Carolina, have migrated to the State in large numbers during the past five years. This transient group make up about fifty per cent of the inmates of the State institutions for delinquents, dependents, and defectives. Their coming has had a tendency to break down the higher and better economic and social status of their North Carolina brother. The seriousness of this problem may be better judged by a perusal of the following facts. During the year 1925 seventy per cent of the Negroes convicted in the courts of Buncombe County were migrants from adjoining states. During the last three months of the year nine illegitimate infants of young South Carolina Negro mothers have been buried in the Buncombe County Home Cemetery. What is true in Buncombe County touching the social welfare of the Negro is equally true in many other counties of North Carolina, particularly the border counties, and large industrial centers like Winston-Salem, Durham, and Rocky Mount. The native Negro population in itself presents many social, health, and economic problems which tax the facilities of the State's social agencies and institutions. Add to these problems the social ills and human weaknesses of a large group of ignorant and socially sick Negroes from other states, and we have a situation that abounds with many complexities. The Asheville situation is noted here as an example of a type of social problem with a racial complex, which, if not early recognized and intelligently studied and treated, will place an added burden on the already heavily taxed population.



ADMINISTRATION BUILDING
State School for Negro deaf, dumb, and blind
Raleigh, N. C.



THE STATE HOSPITAL FOR NEGRO INSANE
Goldsboro, N. C.

Other Contributing Factors

The traffic in liquor, the narcotic evil, the mental defective, the delinquent girl, the woeful lack of a constructive industrial program for Negro women and girls serving sentences in the county jails of the State, each of these problems touches the community life of the State, and all are contributing factors toward filling our many institutions, and making the whole social structure a "house of trouble," this, through the reproduction of their kind. One cannot survey the human family in North Carolina, particularly the Negro group, without seeing the urgent need for a program of remedial social work. But, of far more importance is the crying need, apparent on every hand, for the Negro to be roused from his lethargic state, and catching the vision of self-help, through an active participation in the solving of his own problems, develop into a contributing group in the progressive program of making North Carolina a better place for all men to live in.

Feeble-Mindedness

The problem of the feeble-minded Negro is a most difficult one, and a serious social liability affecting the general welfare of North Carolina. The State makes no provision for the care or treatment of this unfortunate group. While it is the primary duty of the State to provide adequate facilities and treatment for the insane, it is equally as important to afford special provisions for the treatment of the feeble-minded. The mere extent of the problem of feeble-mindedness will ever render it necessary for the State to play the chief role in dealing with what is the most menacing of all social dangers.

The State Hospital for the Negro Insane at Goldsboro, which has provision for the treatment of about 1,200 patients, has been forced to refuse admission to new patients unless the county from which a patient is sent will consent to the parole of a less violent patient—thus effecting an exchange of patients. Unless a Negro mental defective is violently insane, he is left free to pursue his way, until in the course of events he becomes a public charge in the county home or other public institution or is received as a regular "member" of one of the county chain gangs.

The Hospital for the Negro Insane at Goldsboro has been forced to care for patients who belong in an institution for the feeble-minded. The provision of a unit at the Caswell Training School to care for the Negro mental defective would be most helpful. They would, of course, be entirely separate from the white inmates but under the same scientific supervision.

THE PROGRAM OUTLINED

A. ORGANIZATION OBJECTIVES

The organization of social forces in twenty-five Negro communities, with the county as the unit of organization.

Visits to county welfare office by director of Negro Division for conference with superintendent of public welfare, members of the county welfare board, and other officials of the county, city or town. Conference with representative local Negro group. The purpose of these conferences to develop a live interest in the proposed program.

Selection and appointment of Negro advisory committee of seven persons in each county. This committee to serve as an auxiliary body to the county board of public welfare and the superintendent of public welfare.

Cross-section survey of social conditions among Negroes.

Meeting of Negro advisory committee with superintendent of public welfare and members of the county board of welfare. Purpose: To discuss ways and means of raising budget to finance salary and expenses of a full-time Negro welfare assistant, and such other necessary items in the promotion of county-wide welfare program.

Appointment of trained Negro social worker as assistant to the superintendent of public welfare. This appointment to be approved by the State Commissioner of Public Welfare.

Educational group meetings in community centers throughout county, closing with a county-wide mass meeting held in the county court house. The closing mass meeting is usually interracial in character, invitations are sent to all county officials and other interested white leaders and organizations.

NOTE:—The steps outlined above in the process of organizing the social forces in a Negro community usually take about three months to be gotten well under way.

The director of the division coöperates in an advisory capacity.

B. ACTIVITIES

The organization of a Parent-Teacher Association or Community League.

Correlating the Negro county welfare program with the State, county, and city programs of education, health, etc.

Proper enforcement of the Compulsory School Attendance Law. Study of the causes and the placing of responsibility for the many flagrant violations of the attendance law.

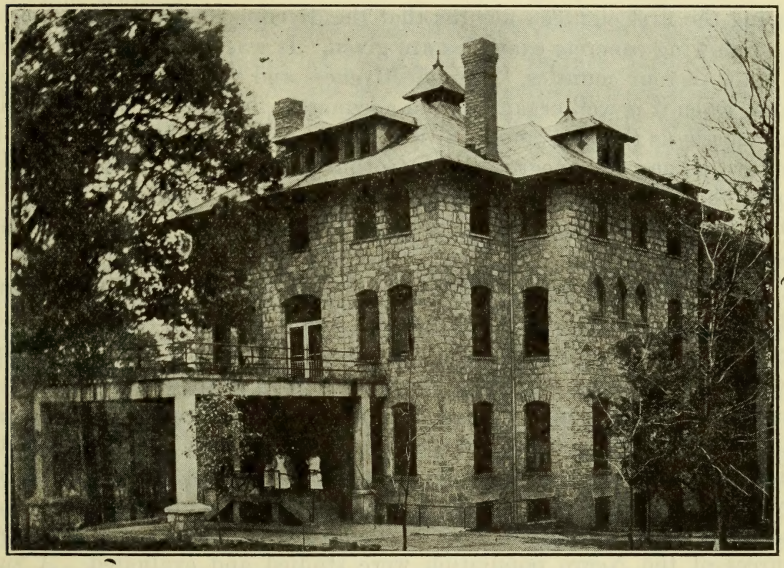
Providing recreational facilities in Negro communities. Stimulating an interest in community music, through the organization of choral societies, with special study of Negro folk songs and "Spirituals." Providing playgrounds.

Inquiry into the housing situation.

Development of the schoolhouse as the community center.

Remedial social service program in coöperation with superintendent of public welfare, Associated Charities, and other social agencies and institutions.

Interesting Negro churches and fraternal organizations in the value



St. Agnes Hospital
Raleigh, N. C.
A general hospital for Negroes.

of coöperative effort, in their contributions to worthy objects of charity; conserving thereby, time, effort, and money.

Coöperating with Jeanes Worker, Farm Demonstration Agent, Home Agent and Public Health Nurse.

Organization of orthopedic, mental health, and T. B. clinics.

REVIEW OF ACCOMPLISHMENTS

Two policies decided upon at the beginning of the Negro welfare program are briefly stated here. Since so little had been accomplished for Negroes in the field of public welfare, it was thought best that the first steps, while slow, must necessarily be educational in character; also, that in formulating a program of public welfare work for Negroes,

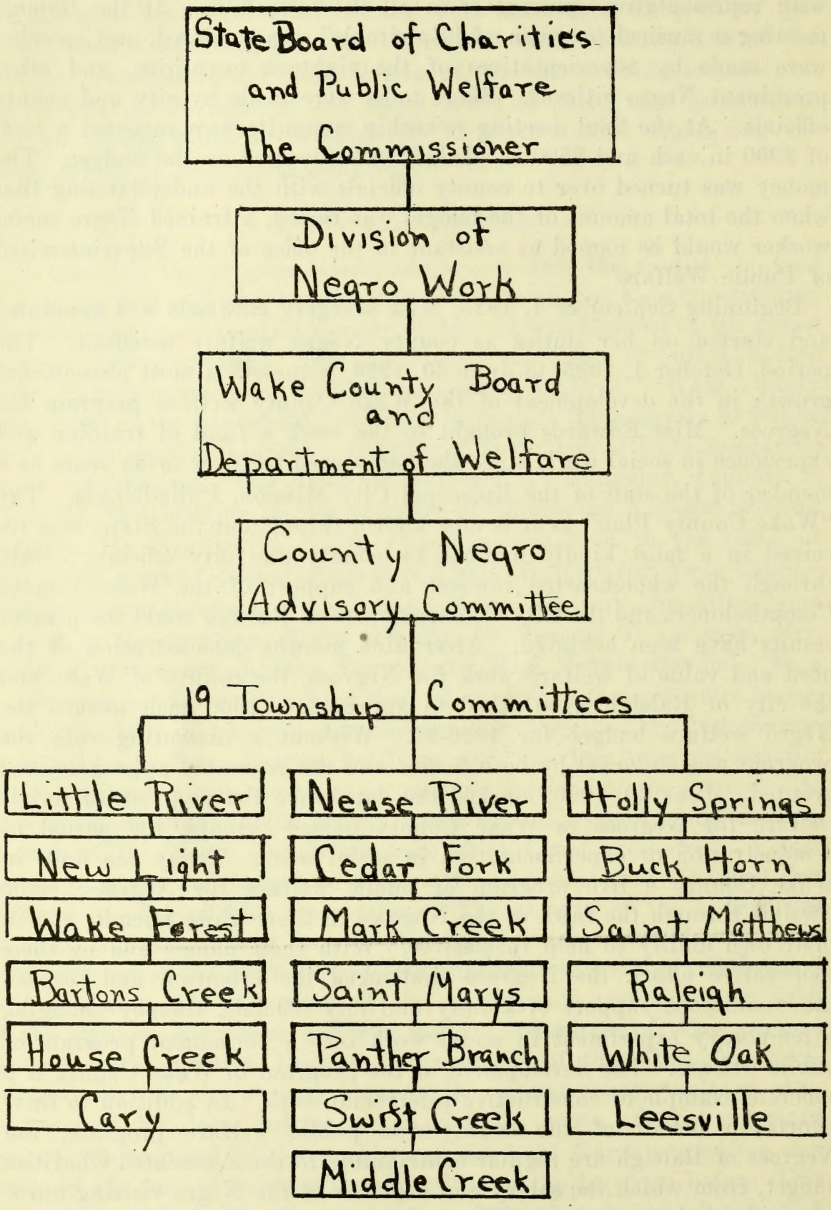
one of the most important functions of the division would be the gathering of facts and other related data concerning Negro life and social conditions affecting same. A careful study and analysis of the material obtained would make it possible for the division to interpret the results in the light of the social needs of the Negro population, and all efforts could be intelligently directed toward organizing the social forces in Negro communities.

A CONCRETE EXAMPLE

To measure the progress made and to evaluate the results obtained during the first eighteen months that the division has been functioning, the following concrete examples are given. It was planned at the outset to show in four counties, "The effectiveness and value of public welfare work, when it is well organized and adequately financed." Wake County was chosen as the first county in which to initiate the program of public welfare among the Negroes. (Attention is invited to facts appearing under the heading, "The Program Outlined.") Thursday, January 8, 1925, the first meeting in the program of developing a Negro welfare program for Negroes in North Carolina, was held in the office of Mrs. T. W. Bickett, Superintendent of Public Welfare for Wake County. The following members of the county Negro advisory committee were present at this meeting: Berry O'Kelly, Dr. Lemuel T. Delaney, Mrs. Addie L. Alexander, Britton Pearce, and Miss Margie Paschal. In a small office located on the third floor of the Wake County court house, this little group of pioneers met, and formally launched the first county-wide public welfare program for Negroes. The first meeting was followed by small group meetings in outlying sections of the county. At subsequent meetings of the county committee, the social needs, and resources of the Negro population were studied and evaluated. A suggested program and budget to finance the program were discussed and informally adopted with reservations. The amount of the budget was $1,500. The county was then divided into township units for the purpose of bringing the more distant communities into a closer relationship with the aims and objectives of the county-wide program. In each of the eighteen townships a Negro welfare committee of three persons was appointed by Mrs. Bickett; the members of these township committees serve as the contact between the Negro county welfare committee and the local township. A definite quota of the suggested budget was assigned each township and the local Negro committee was assigned the task of keeping the objectives of the program before their community and of collecting the quota. Following the appointment of township committees and naming of township quotas, a mass meeting was held in each of the townships. At the township meetings the county-wide welfare program was outlined and explained in detail. The clos-

ing meeting of this group was held in the Wake County court house, with representatives present from all the townships. At the Raleigh meeting a musical program of "Spirituals" was rendered, and speeches were made by representatives of the eighteen townships, and other prominent Negro citizens. Short talks were made by city and county officials. At the final meeting township committeemen reported a total of $900 in cash and $500 in pledges to be applied on the budget. The money was turned over to county officials with the understanding that when the total amount of the budget was raised, a trained Negro social worker would be named as assistant in the office of the Superintendent of Public Welfare.

Beginning September 1, 1925, Miss Margery Edwards was appointed and started on her duties as county Negro welfare assistant. The period, October 1, 1925, to June 30, 1926, witnessed a most phenomenal growth in the development of the Wake County welfare program for Negroes. Miss Edwards brought to the work a fund of training and experience in social work, since she had served for over seven years as a member of the staff of the Episcopal City Mission, Philadelphia. The "Wake County Plan" as it is now known throughout the State, was received in a most kindly manner by county and city officials. Only through the wholehearted interest and support of the Wake County Commissioners and the City Commissioners of Raleigh could the present results have been achieved. After nine months demonstration of the need and value of welfare work for Negroes, the county of Wake and the city of Raleigh were asked to appropriate $600 each toward the Negro welfare budget for 1926-27. Without a dissenting vote the program was endorsed by both bodies and the requested appropriations granted. June 30, 1926, marked the date when the program of public welfare for Negroes in Wake County passed through the period of demonstration or experimentation in social work. Today one finds in Wake County a live program of public welfare for Negroes, made possible through the faith of the Negroes in their white friends, and in their own ability to help themselves. With their money and by their coöperative effort, the Negroes challenged the attention and secured the unanimous support of county and city officials, thereby changing a temporary experiment in social work into a permanent program of public welfare. The development of the program in Wake County is a concrete example of constructive interracial work. In addition to their efforts in behalf of the county-wide public welfare program, the Negroes of Raleigh are regular contributors to the Associated Charities budget, from which the salary and expenses of the Negro visiting nurse are paid. A day nursery for Negro children has been opened in Raleigh. The building which houses this project was given by the City Commissioners; and the Negroes contribute to the maintenance fund.



THE WAKE COUNTY PLAN FOR ORGANIZING THE SOCIAL FORCES IN A NEGRO COMMUNITY

The Wake County Plan for organizing the social forces in Negro communities, as outlined and detailed above, has been described in full, because the value and effectiveness of this type of approach to the problem of community organization have fully demonstrated its worth in eighteen other counties of North Carolina.

The Placement of Trained Workers

When the division was established there were three counties in the State that employed Negro social workers. Mrs. Hattie Russell of Charlotte, was the first Negro welfare worker appointed as a full-time worker and paid from public funds. The splendid social work program for Negroes in Mecklenburg County is due to the efficient efforts of Mrs. Russell. The constructive values of the Wake County Plan have been demonstrated in eighteen additional counties of the State. In nine of these counties there are ten full-time Negro welfare assistants employed; and four other counties employ a part-time Negro assistant. Six of the full-time Negro workers are paid all of their salary and expenses from county and city appropriations; while six of the full-time Negro workers are paid from public funds, supplemented with money from private sources. In two counties Negroes pay all the salary of the part-time Negro worker.

The workers noted above are serving as probation officers, family case workers, public welfare assistants, and community organizers. The table following gives in condensed form the story of the placement of trained Negro social workers in the public welfare field during the last eighteen months. During the period January 1, 1925, to June 30, 1926, a total of $20,610 was paid to Negro welfare workers in North Carolina for salaries and expenses. Of this amount $14,810 was paid from public funds, and the balance, $5,800, was contributed by Negroes.

Table of Facts on the Organization of Social Forces in Negro Communities, and Placement of Negro Welfare Workers

County	Total Population	Percent Negro	Organization	Negro Worker	Source of Salary
1. Alamance	32,718	25.0	In process	None	None
2. Buncombe	64,148	16.0	Completed	Douglas Clark (Full-time)	Public Funds
3. Chowan	10,649	54.5	In process	None	None
4. Craven	29,048	55.9	Completed	Mrs. Charlotte Rhone (Full-time)	Public Funds and Negroes
5. Cumberland	35,064	43.5	In Process	None	None
6. Davie	13,578	15.0	In Process	None	None
7. Durham	42,219	35.1	Completed	Mrs. Nannie Allen (Full-time)	Public Funds
8. Forsyth	77,269	29.6	Completed	Mrs. Sara Ancrum (Full-time)	Public Funds
9. Franklin	26,667	46.8	Completed	Mrs. Jeanette Sills (Part-time)	Negroes
10. Gaston	51,242	22.9	Completed	Mercie D. Wheeler (Full-time)	Public Funds and Negroes
11. Guilford	77,272	25.4	Completed	Watson Law (Part-time) Miss Elizabeth Gilkerson (Full-time)	Public Funds
				High Point, E. E. Curtright, (Part-time)	Public Funds and Negroes
12. Johnston	48,998	24.6	Completed	None	None
13. Mecklenburg	80,695	38.0	Completed	Mrs. Hattie Russell (Full-time)	Public Funds
14. Nash	41,061	41.8	In Process	None	None
15. New Hanover	40,620	47.8	In Process	Probation Officer (Part-time)	Public Funds
16. Pasquotank	17,670	50.1	Completed	Mrs. Ellen Dozier (Part-time)	Negroes
17. Vance	22,799	51.5	Completed	None	None
18. Wake	75,155	40.9	Completed	Miss Margery Edwards (Full-time)	Public Funds
19. Wayne	43,640	42.6	Completed	Goldsboro, Miss Marian Nicholas (Full-time)	Public Funds and Negroes

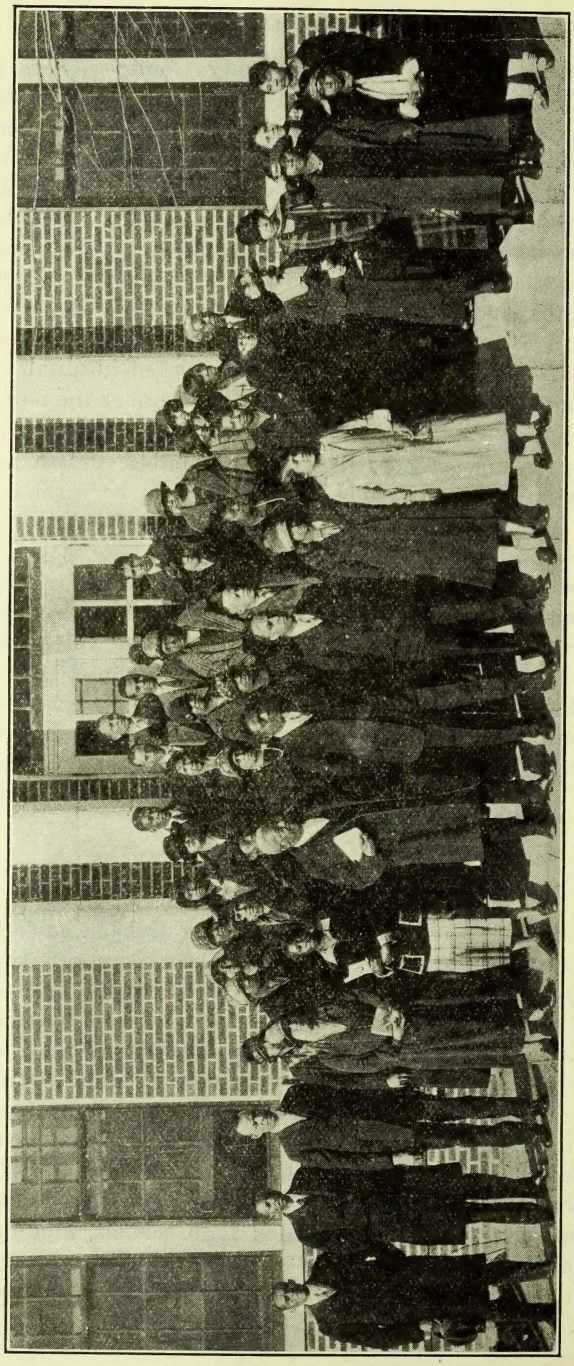
AN EXAMPLE OF SPECIALIZED SERVICE

On the invitation of the Gaston County Commissioners and Mrs. Gertrude K. Keller, Superintendent of Public Welfare, the director of the Negro Division made a thorough study of the health and welfare needs of the Negroes of Gaston County. As the result of this study a full program of Negro welfare work, embracing the reorganization of the local colored hospital, health work in the schools, and other health and welfare measures, was unanimously adopted by the County Commissioners and the Gastonia City Council. A budget of $7,000 for one year was adopted, and an appropriation made to cover the several items of the budget. A ten-bed annex for Negro tubercular patients will be erected immediately on land adjoining the colored hospital. The hospital will be put in first-class condition and will, under the new program, serve as a radiating center, in the development of a county-wide health and welfare program, coöperating with the public health and public welfare departments. All school children are to be given a physical examination, and tuberculosis, orthopedic and baby clinics are to be held at the hospital.

In commenting on the action of the commissioners, Mrs. Kate Burr Johnson, Commissioner of Public Welfare, said: "This is a specific and a very interesting instance of the kind of service which the various divisions of the State Board of Charities and Public Welfare are prepared to render the counties of the State. A careful survey of the field by an experienced social worker often results in a deeper interest and stronger support. The plan which has been accepted by Gaston County and the city of Gastonia is a sound one, and will be of increasing benefit to the Negro people of the community."

TRAINING OF WORKERS

One of the most difficult problems facing the division has been that of securing trained Negro social workers. There is a growing demand for educated social workers in the South. This demand for an educated leadership is part of the larger demand for the best leadership among Negroes in other fields. A study of the educational qualifications of the 14 Negro welfare workers now serving with city and county welfare departments, brings to light the following facts. Four workers have had four years of college work, and two of this group have pursued special courses in social work; six have finished two years of college work, and three of this number have completed special courses in social work; four are graduates of accredited high schools, and two of this group have taken a special course in social work. The average monthly salary paid these workers is $90. Ten workers are women, and four workers men.



FIRST PUBLIC WELFARE INSTITUTE FOR NEGRO SOCIAL WORKERS
Held January 13, 14, and 15, 1926, at The Winston-Salem Teachers' College.

PUBLIC WELFARE INSTITUTE

Under the direction of the Division of Work Among Negroes, a Public Welfare Institute was held at the Winston-Salem Teachers' College, January 13, 14, and 15, 1926. While the general field of public welfare was covered in the many conference groups, community organization, and the history, scope, and object of social work were stressed as outstanding topics of the institute. The chief purpose of the institute was to give further training to those workers employed by county and city governments, and to offer special lectures for officers and workers from the many volunteer and private social agencies throughout the State.

PROGRAM OF THE INSTITUTE OF PUBLIC WELFARE HELD AT WINSTON-SALEM, JANUARY 13-15, 1926

FACULTY

MRS. KATE BURR JOHNSON

State Commissioner of Public Welfare

MISS LILY E. MITCHELL

Director, Laura Spelman-Rockefeller Memorial Demonstration

DR. HARRY W. CRANE

Division of Mental Health and Hygiene, State Board of Welfare

MR. A. W. CLINE

Superintendent of Welfare, Forsyth County

LIEUTENANT LAWRENCE A. OXLEY

Director of Work Among Negroes

SPEAKERS AT THE EVENING SESSIONS

Dr. S. G. Atkins, President of the Winston-Salem Teachers' College.

Colonel W. A. Blair, Chairman of the State Board of Charities and Public Welfare.

Mr. M. M. Grey, Superintendent of Welfare in Mecklenburg County, and President of the N. C. Association of Superintendents of Public Welfare.

Mrs. W. A. Newell, North Carolina Interracial Commission.

Mr. Roy M. Brown, School of Public Welfare, University of North Carolina.

Mr. N. C. Newbold, State Director of Negro Education.

Dean W. S. Turner, Shaw University, Raleigh.

Dr. Howard W. Odum, Director of the School of Public Welfare, University of North Carolina.

E. Franklin Frazier, Dean Atlanta School of Social Work.

E. T. Atwell, Field Director, Playground and Recreation Association of America.

Schedule of the Regular Classes

9 A.M. to 5 P.M.

History, Scope and Object of Social Work____Mrs. Kate Burr Johnson
Community Organization_____Lieut. Lawrence A. Oxley
Social Case Work and Record-keeping_____Miss Lily E. Mitchell
School Attendance and Juvenile Court_____Mr. A. W. Cline
The Negro Mental Defective_____Dr. Harry W. Crane

A total of seventy-three persons were enrolled for the institute classes. Eighteen of the workers were from cities and counties in the State. Seven were from various Y. M. C. A. and Y. W. C. A. associations over the State. Others included workers from state institutions, private social agencies, and church social service organizations. Workers came from practically every section of North Carolina, from as far west as Asheville and as far east as Wilmington and Elizabeth City. Sections in the central part of the State were also represented, including Raleigh, Durham, Greensboro, High Point, Charlotte and other cities and counties.

The mass meeting held on the evening of January 13, marked the high point in the program of the institute. The members of the institute were privileged to have Pardon Commissioner H. Hoyle Sink, personal representative of Governor McLean, bring to the meeting the following special message from the Governor.

The Governor's Message

> "The South is not alone the home of the Negro race, but it is unquestionably the best place for that race to work out its own salvation. Here the Negro understands the white race, and the white race understands him. Likewise the shortcomings of both races are better understood than in any other section of our country. It is an interesting feature that in North Carolina fewer Negroes find cause to leave than from any other Southern state. I believe that this is due to the splendid cooperation that has existed between the races for so long. I believe, likewise, that the work you are engaged in is responsible in no small measure for this splendid coöperation. The continuance of this policy is the greatest hope, not only for your race, but for the natural and active development and progress of our State as a whole."

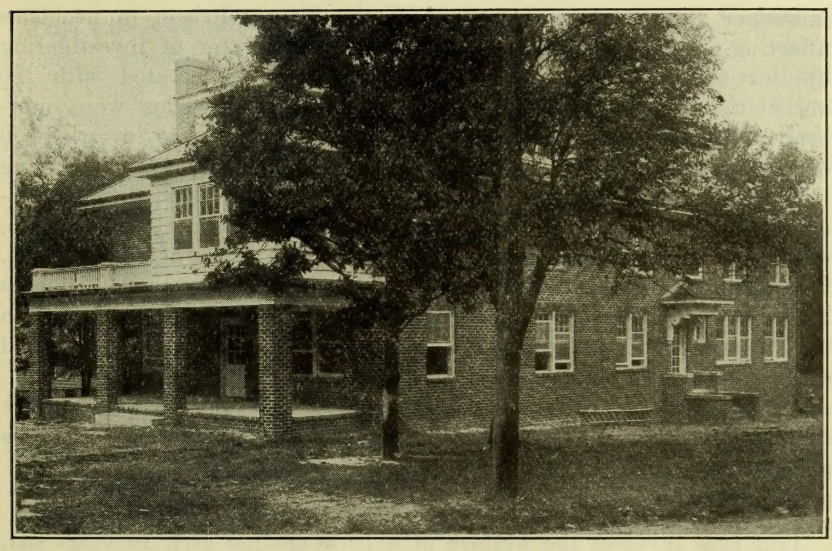
Education was advocated as one of the best means for the uplifting of the Negro race, by Roy M. Brown of the School of Public Welfare,

University of North Carolina, who spoke on "Negro Crime in North Carolina." Mr. Brown who has had considerable practical experience in welfare work among prisons in the State prefaced his speech with citations of several examples of prisoners that came under his observation. The interracial conditions in Winston-Salem, where the Negro population is larger in proportion than in most cities, are used as a model for investigation by sociologists from all over the world, said Mrs. W. A. Newell of Mount Airy, member of the North Carolina Interracial Commission. Mrs. Newell stated that the purpose of the commission is to effect an understanding between the races by promoting an equal opportunity in schools, economic relations, and churches for both white and black. She compared the growth of the Negro to a growing child and said that the parent must recognize the energy in the child or there would be friction. "We have no Negro problem," said Mrs. Newell; "we have a problem of human striving." E. Franklin Frazier, director of the Atlanta School of Social Work, said that the basic problem of the Negro problem is the proper functioning of the family in regard to disintegration and sex. He emphasized the importance of trained welfare workers and mentioned the troubles encountered in interesting counties in the various states in this department. The relation between recreation and juvenile delinquency was clearly shown by E. T. Atwell, field director, Playground and Recreation Association of America, who by mentioning examples proved his claim of the counteracting influence that proper recreation has upon wayward children. The cause of the so-called crime wave sweeping the country today is that social knowledge has not kept pace with the social change in the revolution of the order, according to Dean W. S. Turner of Shaw University, Raleigh, who spoke on "Law and Order in the World Today." The dean said that human nature had not taken a turn for the worse, but that this generation is living in a different age. Dean Turner admitted that the Negro has contributed more to crime than his quota, but denied the charge of some sociologists that crime is instinctive with the race.

SCHOOLS OF SOCIAL WORK

The demand for trained Negro social workers is being met in a measure through the courses offered in the Atlanta School of Social Work, E. Franklin Frazier, director, 193 Auburn Avenue, Atlanta, Georgia; and the Bishop Tuttle Memorial Training School, Miss Bertha Richards, Dean, Raleigh, North Carolina. The Atlanta school, established in 1920, is the oldest school of social work for Negroes in the South. Grants from the Laura Spelman-Rockefeller Memorial Fund, the Russell-Sage Foundation, the Atlanta Community Chest, as well as individual contributions, have made the school an independent

institution, equipped to give specialized training to young men and women who desire to enter the field of social work. The Bishop Tuttle School, established by the Woman's Auxiliary of Episcopal Church, and maintained by funds from the United Thank Offering, offers a three-year course in social work to young women. The School of Public Welfare, University of North Carolina, coöperates with the faculty of the Bishop Tuttle School.



The Bishop Tuttle School
Raleigh, N. C.
A national center for the training of young Negro women in Christian leadership and social work.

Social Surveys

In addition to the many responsibilities falling to the lot of the Division of Work Among Negroes, in the program of organizing Negro communities for social betterment, the director has made a number of visits to various sections of the State, touching about sixty-one counties in his travels. These trips had for their primary purpose, the gathering of facts relating to the general welfare of the Negro. Short surveys of social conditions among Negroes have been made in Rocky Mount, New Bern, Gastonia, Charlotte, Asheville, Durham, Wilmington, Elizabeth City, Raleigh, Winston-Salem, High Point, and smaller cities and rural communities. It is to be regretted that lack of funds and personnel make it impossible for the results of these short studies to be printed and made available for distribution. The many calls made upon the time and efforts of the director have served to prevent him from

giving the attention to this part of the program that such an important subject demands. However, such information as has been gathered served the purpose of throwing light on those conditions in the community that were creating problems of social disorder and mal-adjustment.

CASE WORK

The director of the division has coöperated with the Pardon Commissioner and the Superintendent of the State's Prison in problems affecting Negro prisoners, particularly in the matter of investigating applications for parole. The division has also coöperated with the authorities of fifteen counties in the handling of cases that were inter-county or inter-state in character. These cases range from investigation of homes for placement of children; reports on Negro mothers receiving help through the Mothers' Aid Fund; relief for families, suffering because the bread-winner is an inmate of the penitentiary, prison camp, or the Goldsboro hospital for the insane; and problems of race friction. The total number of cases coming to the attention of the division is ninety-one. All varieties of social mal-adjustment are represented in this group. Wife deserters, mental cases, illegitimate children, and crimes against the public morals head the list. A special booklet detailing these case histories with photographs of the subjects would prove to be interesting and valuable information. The following case histories are given:

CASE I

This case involves the welfare of a little colored girl, 10 years old, in the home of her father. The father has been married twice. By his first wife he had five children and by his second nine. It seems that from earliest childhood the father has had incestuous relations with all of his eight daughters, also that he has practiced all kinds of indecencies on them. The mother was aware of this and in fact she herself has suffered shameful treatment. However, she is of an ignorant type and absolutely unable to cope with the situation.

The father has harmed each of his daughters from the time they reached the age of six or eight years. He began by swearing each child to secrecy so that none of the children knew that their father was having improper relations with any other member of the family. Later, however, it became known so that for years the father used first one girl and then another in the presence of the others, and he has also committed the most revolting acts of sodomy on his daughters as well as his second wife.

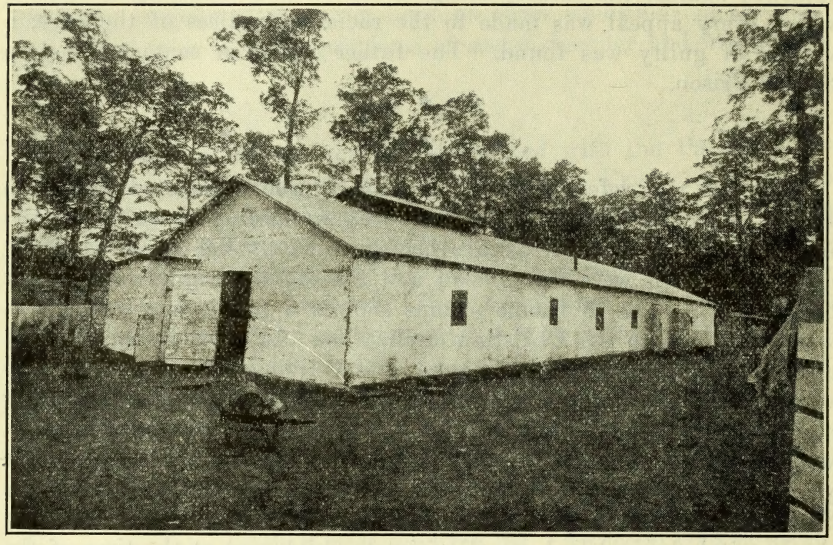
This story seemed so unbelievable, that an investigation continuing over a period of six months was necessary before sufficient evidence could be secured to warrant the arrest of the father. After many delays and difficulties encountered in bringing this case to trial, the whole

story was laid before the grand jury of the county, five true bills were returned against the father, charging incest, and following a trial in which every appeal was made to the racial prejudices of the jury, a verdict of guilty was found. The father has been sentenced to the State's Prison.

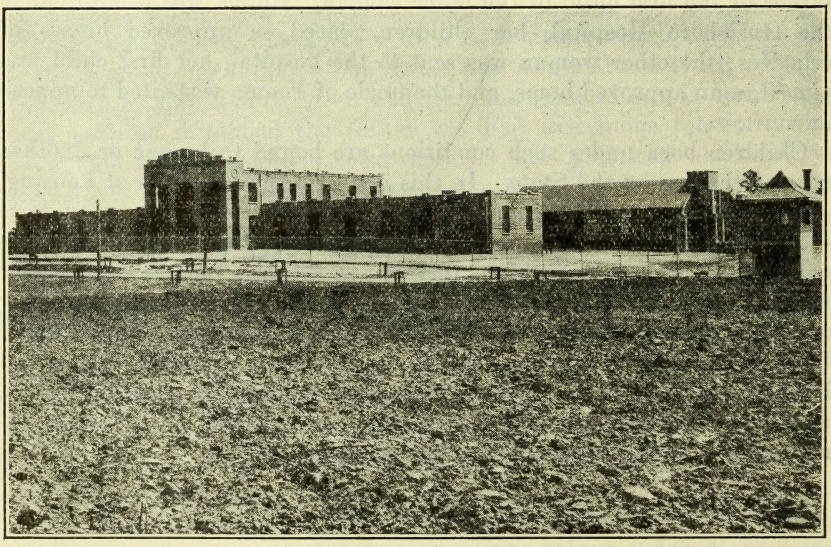
CASE II

This case was referred to the division by the Associated Charities. Emma, a mental defective, had been seen wandering about the streets in all kinds of weather, always accompanied by her seven year old daughter. Both were thinly clad and the mother was always in her bare feet. A visit to Emma's home showed a condition existing that was a reproach to our Christian civilization. In a one-room, cramped and filthy shack, five people were found living like animals. The windows of the hut were tight shut and the odors of bodies and cooking and foul air made the place give off a most offensive stench. The room was packed with foul and useless trash. One woman about twenty-five years old was living in the hut. She had been brought back from the State Hospital for Negro Insane as "cured." Since her discharge from the hospital she had had one illegitimate child, and at the time of the visit was pregnant with another by a man of a distinct moron type, who also lived in the hut. It was later learned that this man was the uncle of Emma, and was the father of her two children, and also the father of the first child of the other woman. Emma was committed to the Goldsboro Hospital, her children placed in approved homes of relatives; the other woman was sent to the hospital, her first child was placed in an approved home, and the uncle of Emma was cited to appear in court.

Children born under such conditions are bound to be one or another type of charges on the State. In this one case the problems of housing, sanitation, immorality, ignorance, feeble-mindedness and poverty were shown in their true light as community social liabilities. The maladjusted individual or group as pictured in the case reports noted above suggests the following question: Is it not worth while for a community to make an investment in social insurance where the Negro is concerned? Is it not better to pay a regular premium on a community social insurance policy, than to continue to pay community liability claims, which increase taxes, and leave in the wake a trail of suffering humanity—an added burden to the entire citizenry?



THE OLD STATE'S PRISON CAMP FOR NEGROES
Cary, N. C.



THE NEW STATE'S PRISON CAMP FOR NEGROES
Cary, N. C.

Crime Studies

A most important and interesting subject has been touched on by the division in the gathering of data and other information on the problem of Negro crime in North Carolina. In this inquiry we are again faced with the difficulty of securing adequate financial support to insure the completion of the study. However, it is the hope of the director that the material now in hand on this subject will stimulate such an interest in this field of research, that sufficient funds will be made available to push the study to a conclusion. As a part of the general study of Negro crime, the director is engaged in gathering facts covering the life histories and social background of thirty Negroes, who, during the last two years have been convicted and sentenced to death in the electric chair. A most valuable contribution would be made to this field of research if an appropriation or grant could be secured to provide the necessary trained workers and other expenses.

A bit of information has come out of the preliminary crime study, which proves that the Negro is responding in a most creditable manner to the opportunities provided by the State of North Carolina for his welfare and progress. Analysis of the figures covering the population of the State's Prison, develops the following facts: In December, 1915, the population of the prison was divided as follows: white, 32 per cent; Negro, 68 per cent. At the close of 1920: white, 40 per cent; Negro, 60 per cent. In 1925, following the most intensive period of Negro education in North Carolina, the proportion was 62 per cent white; and 38 per cent Negro. Attention is directed to the fact that the normal crime rate for Negroes as related to the per cent of population should be about 29 per cent.

Promotion and Publicity

The director has personally appeared before the following groups and organizations and presented the program and objectives of the division:

National Conference of Social Work, Cleveland, Ohio.
National Urban League Conference, New York City.
Superintendents of Public Welfare, University of N. C., Chapel Hill.
Maryland Commission on Race Relations, Baltimore, Md.
North Carolina College for Women, Greensboro.
Federation of Colored Women's Clubs, Durham.
New York School of Social Work, New York City.
North Carolina State Conference of Social Work, Greensboro.
Commission on Interracial Coöperation, Atlanta.
Woman's Missionary Society, M. E. Church, South, Raleigh.
Social Service Conference, M. E. Church, South, Lake Junaluska.
Presbyterian Women, Charlotte.

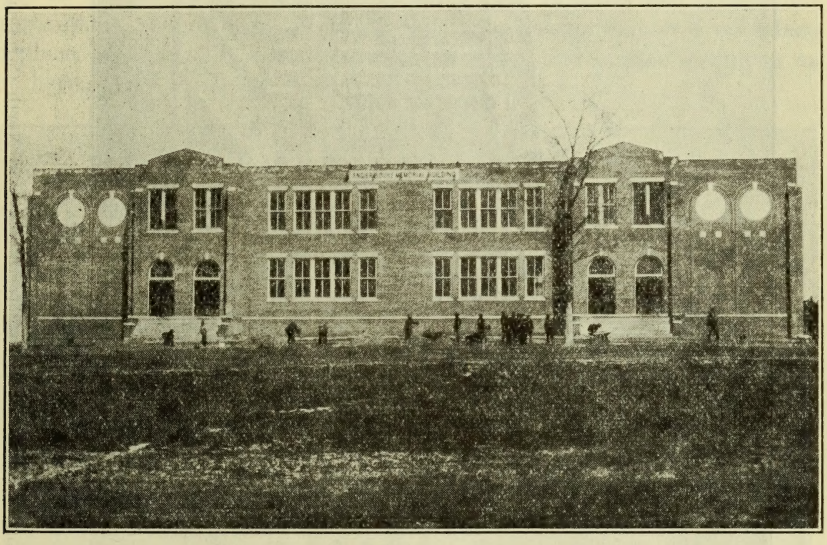
Congregational Church Workers' Conference, Kings Mountain.
Episcopal Church Workers' Conference, Raleigh.
Elon Christian College (student body), Elon College.
Peace Institute, Raleigh.
Conference for the study of Negro Life, Durham.
Y. M. C. A. Older Boys' Conference, Winston-Salem.
Y. M. C. A. Student Conference, Kings Mountain.
North Carolina Student Volunteer Conference, Greensboro.
North State Medical Society, Durham.
North Carolina Association Graduate Nurses, Greensboro.
State Baptist Sunday School Convention, Hamlet.
Annual Conference, A. M. E. Church, Asheville.
Hampton Institute, Hampton, Va.
N. C. Commission on Race Relations, Greensboro.
N. C. Ministerial Alliance, Raleigh.
Grand Lodge Negro Masons, Rocky Mount.
Grand Lodge Negro Odd Fellows, Goldsboro.
N. C. Association Negro Elks, Wilson.
Negro Church Workers' Conference (National), Savannah, Ga.

Sponsored by the Woman's Club of Boston, the director was afforded the opportunity to broadcast an address on the "Negro Welfare Program in North Carolina" over station WNAC. During the summer of 1926 the program was presented to 3,720 Negro public school teachers in attendance at the State accredited summer schools.

The student body and faculty of every Negro college in North Carolina have been acquainted with the development of our program. Mention is made elsewhere in this report of the many community mass meetings held in various centers in connection with the organization and promotion of the work. Special articles relating to Negro welfare in North Carolina have appeared in the *Southern Workman* for November, 1925; and Prof. Mimms in his recent book "The Advancing South," makes mention of the tangible contributions made by the division in the field of race relations in North Carolina. The Associated Press has been quite friendly in its attitude toward the program in its development. One full-page news story with illustrations, and about one hundred and twenty-two smaller articles have appeared in the daily papers of the nation. The Negro Press has coöperated in a most enthusiastic manner in support of the State welfare program. The wide circulation of Negro newspapers, and their increasing influence in shaping Negro thought on questions of the day, has been one of the most important factors in keeping before the Negroes of the country the story of Negro progress in North Carolina.

STATE INSTITUTIONS

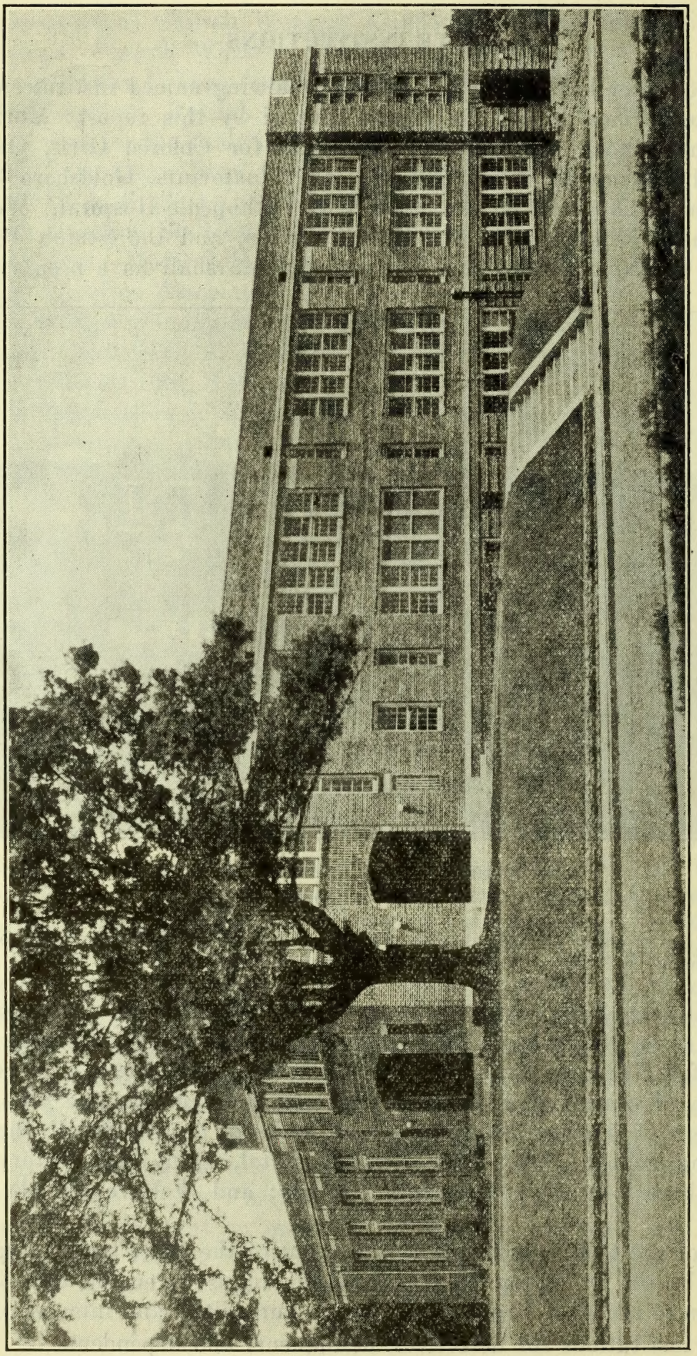
The director has visited each of the following named institutions, at least four times during the period covered by this report: Morrison Training School, N. C. Industrial Home for Colored Girls, Oxford Colored Orphanage, N. C. Tuberculosis Sanatorium, Goldsboro State Hospital for Negro Insane, and the N. C. Orthopedic Hospital. Weekly visits have been made to the State's Prison, and the State's Prison Camps for Negroes at Cary, Durham and Marshall have been visited



The Angier B. Duke Memorial Building
Colored Orphanage
Oxford, N. C.
The State makes an annual appropriation of $20,000 toward the support of this institution.

once. Twenty-four county jails, ten county road camps, eleven county homes, seven Negro hospitals, and five other city hospitals having provision for Negro patients, have been visited by the director. For the purpose of observing methods of business management and care and treatment of inmates, visits have been made to the Stonewall Jackson Training School, N. C. Orthopedic Hospital, State Reformatory for Negro boys located at Savannah, Georgia; and Welfare Island, New York.

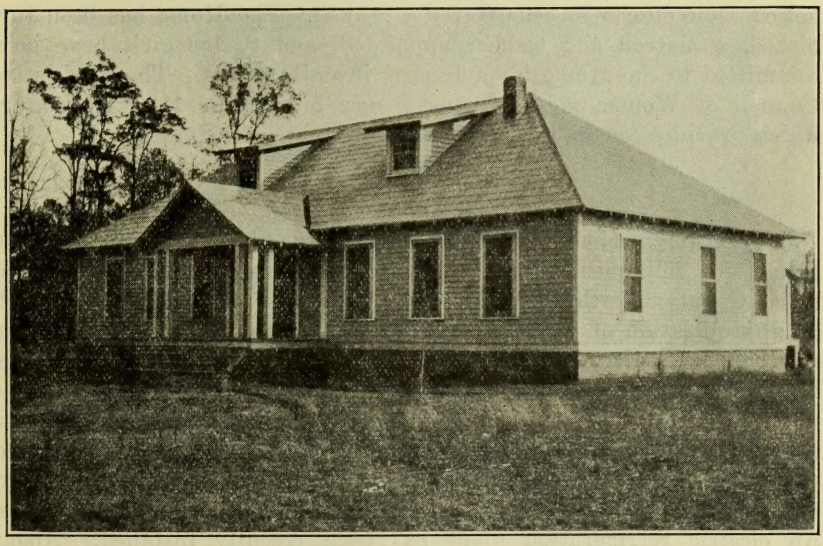
One of the objectives in the development of the State social program should be the providing of the necessary funds to enable the Negro Division to render a larger service to the authorities and inmates of the several institutions for defectives, delinquents and dependents.



14TH STREET SCHOOL
Winston-Salem, N. C.
One of the modern public school buildings for Negroes in North Carolina.

The Efland Home

The story would be incomplete were not mention made of one of the outstanding accomplishments in the North Carolina program of welfare for Negroes. The problem presented to the community in the person of the delinquent Negro girl is perhaps the most difficult of solution. The prey of unprincipled men of both races, the Negro girl stands as a pathetic figure. The State, unmindful of the tremendous social liability this problem is to the life of the community, has neglected its plain duty in the matter; and today in North Carolina cities and rural communities the mal-adjusted Negro girl is left free to wander from place to place, leaving in her wake a trail of disease and human suffering as the heritage of the future generations of both races.



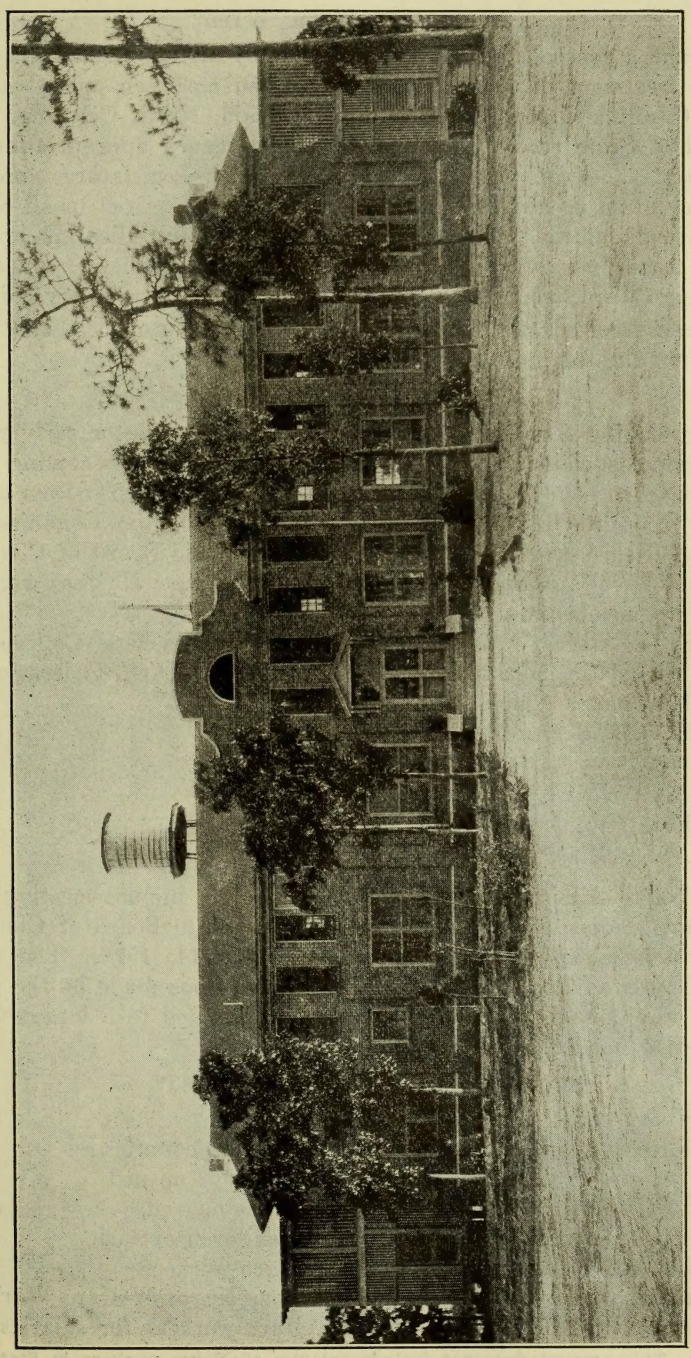
First Cottage
N. C. Industrial Home for Colored Girls
Efland, N. C.
A training school for delinquent Negro girls.

The Negro women of North Carolina, deeply appreciative of the seriousness of this problem and the urgent need for a program which would provide the proper care, treatment and training for these unfortunate human beings, have endeavored over a period of years to arouse public opinion to the gravity of the problem. Finally, realizing that genuine interest in any project is best demonstrated by individuals first helping themselves, the North Carolina Federation of Colored Women's Clubs purchased about three hundred acres of farm land at

Efland, North Carolina, and erected thereon a modern frame building. This building has dormitory space for twenty girls, a spacious reception hall and assembly room, living quarters for the matron, domestic science and sewing rooms, kitchen, dining room, a modern heating plant, toilet facilities and shower baths. After many futile attempts to secure an adequate water supply, a well was finally bored through solid rock and water is now pumped to the main house in sufficient quantities for all purposes. The white women of the State, under the leadership of Mrs. T. W. Bickett, early rallied to the support of this work and have coöperated in a most concrete manner, through gifts and in other ways. The Federation of Colored Women's Clubs has invested about $30,000 in this project—an investment that may well be termed "a venture of faith." House Bill No. 121, which was presented to the 1925 Legislature, provided for the taking over of this home by the State. The bill was lost in the committee. Undaunted by this reverse the women renewed their efforts in behalf of the project. The Home has been furnished, a matron and teacher appointed, and twelve girls have been committed to the Home by judges of juvenile courts. The Legislative Council of Women is sponsoring a new bill in the 1927 Legislature which provides for the taking over of the Home as a State project.

THE MORRISON SCHOOL

During the period covered by this report the Morrison Training School for delinquent Negro boys has been opened at Hoffman, Richmond County, North Carolina. This school is made possible through an appropriation of $25,000 made by the Legislature. The school has about three hundred acres of good farm land, on which four buildings have been erected. The main building is brick veneered and contains three dormitory floors, administration offices, superintendent's quarters, reception hall, classrooms and assembly room. The building is equipped with a modern steam heating plant. A Delco plant furnishes light and pumps water to the buildings from a natural spring on the grounds. An electric refrigeration plant has been recently installed. About seventy-five boys are now inmates of the school. In addition to their classroom work the boys are taught such industries as farming, pig and poultry raising, and the maintenance of a model dairy. These industries are planned to teach the boys self-reliance, initiative, and ability to think and act intelligently. At the Morrison Training School Negro boys are given opportunity to build character that they may be returned to their home communities social assets rather than liabilities. Negro Elks have pledged $5,000 toward the erection of a dormitory at this school.



Administration Building, The Morrison Training School
Hoffman, N. C.
A State institution for delinquent Negro boys.

NEGRO ORTHOPEDIC WARD

Through a generous gift of $15,000 made by Mr. B. N. Duke, a ward for the treatment of Negro crippled children has been opened at the North Carolina Orthopedic Hospital, Gastonia, North Carolina. The Council of State recently authorized an emergency appropriation for the maintenance of this ward until the 1927 Legislature convenes. Negro children needing orthopedic treatment are received in all clinics held throughout the State; and those needing hospitalization are admitted to the Gastonia institution in the order of their application. The Negro ward has a capacity of twenty beds. About thirty children have been received and treated since the ward was opened, and there are twenty children now undergoing treatment.

NEGRO STATE COMMITTEE

In developing a program of Negro welfare the director early recognized the great value that helpful advice and suggestions coming from leading Negro men and women, would mean toward the success of the work. Upon the recommendation of the director the Commissioner created a Negro Advisory Commission to the State Board of Charities and Public Welfare, and the following representative Negroes were appointed to membership on the Commission.

Dr. S. G. Atkins, President, Winston-Salem Teachers' College.

Mrs. Charlotte Hawkins Brown, President, N. C. Federation of Colored Women's Clubs.

Dr. L. O. Miller, Asheville, N. C.

Rev. A. Myron Cochran, Raleigh, N. C.

Mrs. H. L. McCrorey, Charlotte, N. C.

Dr. Frank W. Avant, Wilmington, N. C.

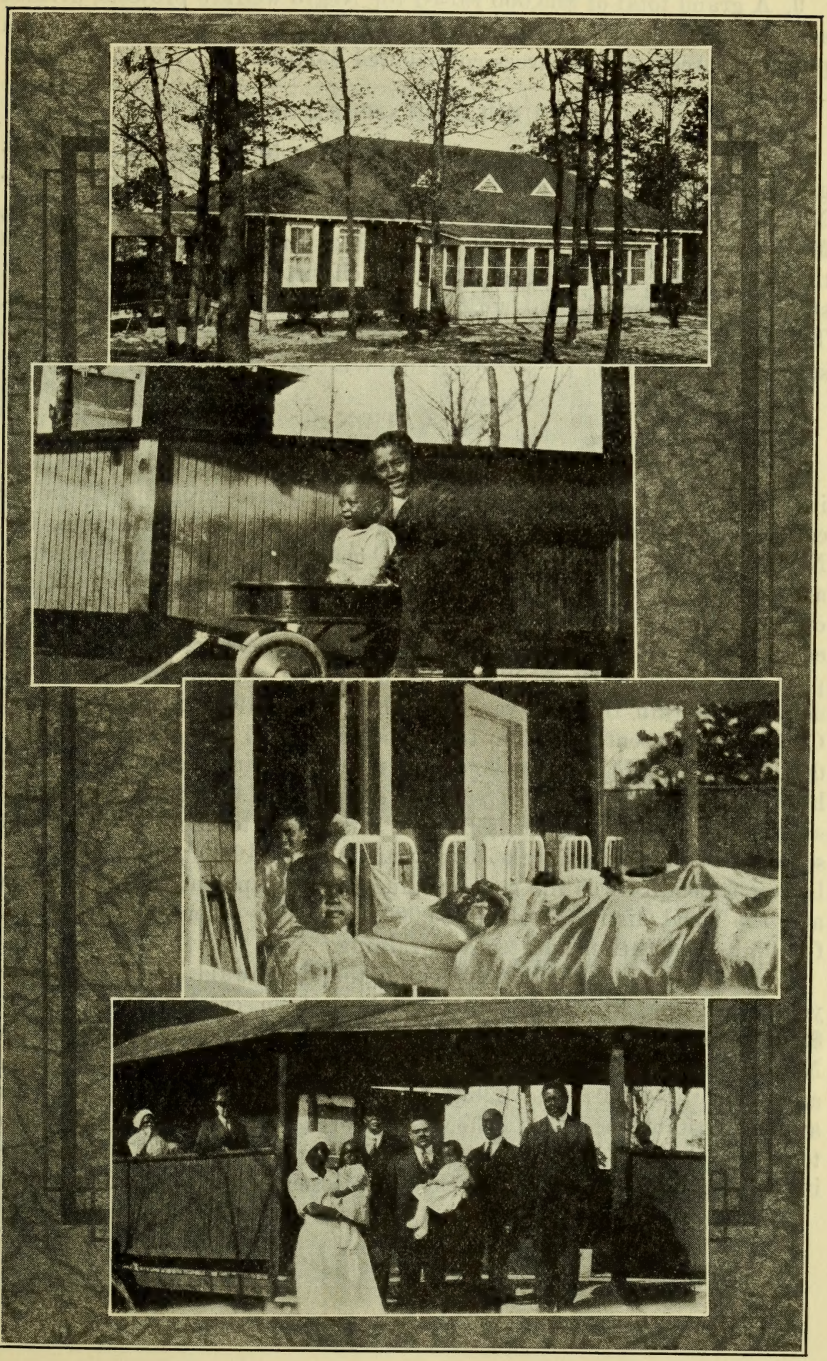
Prof. J. A. Bias, Elizabeth City, N. C.

The Negro Advisory Commission held its first annual meeting with the Commissioner and representatives of the State Board of Charities at Winston-Salem Teachers' College, January 14, 1926. The many helpful ideas advanced and constructive suggestions made by the members of the Commission in this meeting contributed in a large way to the success that has rewarded our efforts.

SUMMARY OF ACCOMPLISHMENTS

1. Twenty counties organized for social work.
2. Thirteen Negro welfare workers placed with counties.
3. Morrison Training School for Negro Boys opened.
4. N. C. Industrial Home for Colored Girls opened.
5. Orthopedic ward for Negro crippled children opened.
6. First Public Welfare Institute for Negro workers.
7. Publicity throughout State and nation, Negro Welfare Work.
8. A total of $20,610 paid Negro welfare workers for salaries.

NOTE:—This amount does not include salaries of Negro workers in State and county institutions.



Negro Unit—State Orthopedic Hospital
Gastonia, N. C.
The gift of B. N. Duke and presented to the State March 15, 1926.

9. A grand total of $65,000 raised for Negro welfare projects, divided as follows: $14,810 appropriated from public funds; $15,000 from private sources; and Negroes contributed $35,190.

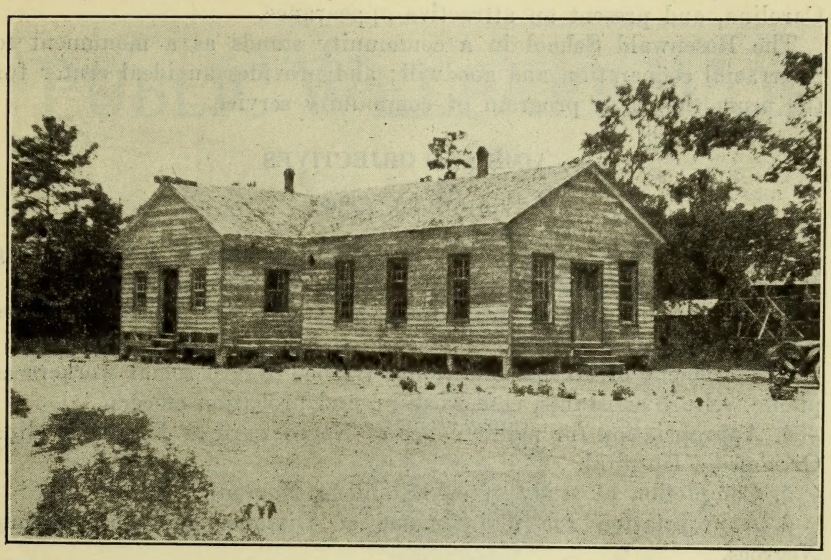
INFLUENCE ON OTHER STATES

A direct result of the successful North Carolina Negro welfare program has been its influence on the state-wide social programs for Negroes in Georgia, West Virginia, Pennsylvania, Ohio, Michigan, Maryland and Missouri. The director has personally appeared before the Maryland Commission on Negro Welfare, and has conferred with state welfare officials in Georgia, Pennsylvania, Maryland and Ohio. Through correspondence valuable contacts have been maintained with state welfare officials in Missouri and West Virginia.

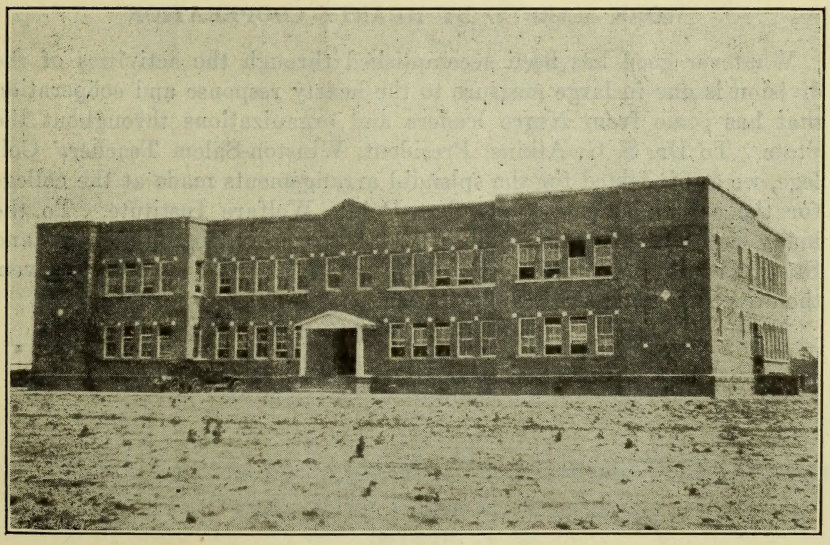
EDUCATION

The story of Negro welfare and progress in North Carolina would be incomplete were not mention made of the State program of public education for Negroes. Under the Division of Negro Education, Mr. N. C. Newbold, director, of the State Department of Public Instruction, a most commendable program has been developed. Mr. Newbold stands out prominently as a pioneer and an authority in the field of Negro education; and to his vision and broad democratic spirit is due in large part the constructive results achieved in this specialized field of endeavor. Within the five year period, 1921 to 1925, inclusive, North Carolina has spent of public tax money in round numbers about $18,000,000 on its Negro schools. This means public elementary schools, high schools, normal schools, summer schools, and colleges. The largest single item of expenditure is for the salaries of teachers in the public schools, which totals in the five years about $10,000,000. The next largest expenditure is for new buildings and equipment in cities, towns and the rural districts—about $5,000,000. The other $3,000,000 was for higher education and teacher-training.

North Carolina has participated in the Rosenwald Fund for eleven years. In that time 567 buildings have been erected at a cost of $2,688,464. Of this amount the Rosenwald Fund gave $443,836; the Negroes themselves gave $483,441; contributions from white people amounted to $66,607, and public tax money provided $1,674,580. The average cost of these 567 schools in North Carolina is $5,664. The teacher capacity is 1,465, and 65,925 children can find room and comfort in these modern, well built schools. Rosenwald Schools have been



THE OLD HARNETT COUNTY NEGRO RURAL SCHOOL, 1924



THE NEW HARNETT COUNTY NEGRO RURAL HIGH SCHOOL, 1926
A Rosenwald School.

built in practically every one of the one hundred counties of North Carolina, and present an attractive appearance.

The Rosenwald School in a community stands as a monument to interracial coöperation and goodwill; and provides an ideal center for the promotion of a program of community service.

AIMS AND OBJECTIVES

JUNE 30, 1926

1. Passage of bill by the 1927 Legislature providing for the taking over of the North Carolina Industrial Home for Colored Girls.
2. The organization of social forces in twenty-five additional Negro communities.
3. Placement of sixteen additional trained Negro social workers as public welfare assistants, case workers, and probation officers.
4. Appropriation for maintenance of Negro ward at North Carolina Orthopedic Hospital.
5. Completion of study of crime among Negroes.
6. Appropriation for maintenance of Division of Work Among Negroes.
7. Appropriation for the erection and maintenance of a unit building at the Caswell Training School for the care and treatment of feeble-minded Negroes.

WORK MARKED BY HEARTY COOPERATION

Whatever good has been accomplished through the activities of the division is due in large measure to the hearty response and coöperation that has come from Negro leaders and organizations throughout the State. To Dr. S. G. Atkins, President, Winston-Salem Teachers' College, we are indebted for the splendid arrangements made at the college for the entertainment of the first Public Welfare Institute. To the many superintendents of public welfare, county commissioners, and State officials, whose interest and coöperation has been generously given, the director expresses his appreciation.

LAWS RELATING TO

PUBLIC WELFARE WORK

IN

NORTH CAROLINA

SPECIAL BULLETIN NUMBER 9

ISSUED BY

North Carolina State Board of Charities and Public Welfare

KATE BURR JOHNSON, *Commissioner*

RALEIGH, N. C.

1927.

Owen G. Dunn, Printer, New Bern, N. C.

FOREWORD

The compilation of the material in this bulletin has been done with a view to placing in convenient form, many of the laws affecting the work of the County Superintendents of Public Welfare and other social workers of the State. It is not meant to be a substitute for the volumes of the Consolidated Statutes, and there are necessarily omissions, since brevity was a point to be considered.

The bulletin will take the place of Special Bulletin Number One, published in 1923 and entitled *State Laws Governing Public Welfare Work in North Carolina*, edited by Roy M. Brown, at that time director of the division of institutions of the State Board of Charities and Public Welfare, and now with the University School of Public Welfare at Chapel Hill.

A directory of institutions, State and private has been included in order to facilitate the work entailed in making applications for admission. R. Eugene Brown, director of the division of institutions, has been of great assistance in compiling this, as well as arranging the references to the rulings of the Attorney-General.

The arrangement has been changed in that the laws have been grouped under various topics and then alphabetically arranged. This, it is hoped, will prevent duplication and overlapping, and a complete index will be found in the back of the book.

If the revised form is found more convenient much of the credit is due to June Purcell-Guild, who has recently made a shortened manual of laws in Ohio and in Virginia, from which several changes were brought to mind.

Attention is called also to the following bulletins which may be obtained free by writing to the proper persons:

From the office of the Superintendent of Public Instruction:

Public School Law of North Carolina, 1923.
School Legislation, 1927.
Compulsory Attendance, 1921.

From the State Board of Health:

State Health Laws.

From the State Child Welfare Commission:

Child Labor Laws.

LUCY F. LAY,
Division of Education and Publicity.

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NORTH CAROLINA LAWS

RELATING TO

PUBLIC WELFARE WORK

STATE-WIDE PLAN OF PUBLIC WELFARE

STATE BOARD OF CHARITIES AND PUBLIC WELFARE

C. S. 5004. **Election and term of office.** There shall be elected by the General Assembly, upon the recommendation of the Governor, seven persons who shall be styled "The State Board of Charities and Public Welfare," and at least one of such persons shall be a woman. At the session of the General Assembly for the year one thousand nine hundred and seventeen all the members of such board shall be elected, three for a term of two years, two for a term of four years, and two for a term of six years; and thereafter the term shall be six years for all. The election shall be by concurrent vote of the General Assembly, and appointments to fill vacancies in the board arising from any cause whatsoever, except expiration of term, shall be made for the residue of such term by the Governor. The members of the board shall serve without pay, except that they shall receive their necessary expenses.

C. S. 5005. **Meetings of board.** The board shall hold meetings at least quarterly, and whenever called in session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it deems proper.

C. S. 5006. **Powers and duties of board.** The board shall have the following powers and duties, to wit:

1. To investigate and supervise, through and by its own members or its agents or employees, the whole system of the charitable and penal institutions of the State, and to recommend such changes and additional provisions as it may deem needful for their economical and efficient administration.

2. To study the subjects of nonemployment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects and their causes, treatment, and prevention, and the prevention of any hurtful social condition.

3. To study and promote the welfare of the dependent and delinquent child and to provide, either directly or through a bureau of the board, for the placing and supervision of dependent, delinquent, and defective children.

4. To inspect and make report on private orphanages, institutions, maternity homes, and persons or organizations receiving and placing children, and to require such institutions to submit such annual reports and information as the State board may determine.

5. To grant license for one year to such persons or agencies to carry on such work as it believes is needed and is for the public good, and is con-

ducted by reputable persons or organizations, and to revoke such license when in its opinion the public welfare or the good of the children therein is not being properly subserved: *Provided,* subsection five shall not apply to any orphanage chartered by the laws of the State of North Carolina, owned by a religious denomination or a fraternal order, and having a plant and assets not less than sixty thousand ($60,000) nor shall it apply to orphanages operated by fraternal orders, under charters of other States which have complied with the corporation laws of North Carolina and have that amount of property.

See also C. S. 5067 *under "Institutions for Children," page* 52.

6. To issue bulletins and have same printed to such amount and extent as may be approved by the State Printing Commission, and in other ways to inform the public as to social conditions and proper treatment and remedies for social evils.

7. To issue subpoenas and compel attendance of witnesses, administer oaths, and to send for persons and papers whenever it deems it necessary in making the investigations provided for herein or in the other discharge of its duties, and to give such publicity to its investigations and findings as it may deem best for the public welfare.

8. To employ a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare, and to employ such other inspectors, officers, and agents as it may deem needful in the discharge of its duties.

9. To recommend to the Legislature social legislation and the creation of necessary institutions.

10. To encourage employment by counties of the county superintendent of public welfare and to cooperate with the county superintendent of public welfare in every way possible.

11. To attend, either through its members or agents, social service conventions and similar conventions, and to assist in promoting all helpful publicity tending to improve social conditions of the State, and to pay out of funds appropriated to the State board expenses, salaries of employees, and all other expenses incurred in carrying out the duties and powers hereinbefore set out.

12. To receive, hold and administer for the purposes for which it is organized, any funds donated to it, either by will or deed, and to administer said funds in accordance with the instructions in the will or deed creating them.

C. S. 5007. **Investigate and report on mental and physical infirmities.** The board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization. They shall, besides their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State. The State board shall keep and report statistics of the matters hereinbefore referred to, and shall compile these reports and analyze them with a view of determining and removing the cause in order to prevent crime and distress.

C. S. 5008. **Inspection of county prisons; reports required.** The State board shall have power to inspect county jails, county homes, and all

prisons and prison camps and other institutions of a penal or charitable nature, and to require reports from sheriffs of counties and superintendents of public welfare and other county officers in regard to the conditions of jails or almshouses, or in regard to the number, sex, age, physical and mental condition, criminal record, occupation, nationality and race of inmates, or such other information as may be required by the State board. The plans and specifications of all new jails and almshouses shall, before the beginning of the construction thereof, be submitted for approval to the State board.

C. S. 5009. **Biennial reports to General Assembly.** The State board shall biennially prepare and submit to the General Assembly a complete and full report of its doings during the preceding two years, showing the actual conditions of all the State institutions under its supervision, with such suggestions as it may deem necessary and pertinent, which shall be printed by the State printer, and shall report such other matters as it may think for the benefit of the people of the State.

C. S. 5010. **Attention secured for insane and other unfortunates.** Whenever the board shall have reason to believe that any insane person, not incurable, is deprived of proper medical treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of the board to cause such insane person to be conveyed to the proper State hospital for the insane, there to receive the best medical attention. So, also, it shall be their care that all the unfortunates shall receive benefit from the charities of the State.

C. S. 5011. **Public institutions to furnish information.** The board may require the superintendents or other officers of the several charitable and penal institutions of the State to report to them any matter relating to the inmates of such institutions, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics upon demand.

C. S. 5012. **Relatives ineligible to appointment in State institutions.** No person shall be appointed to any place or position in any of the State institutions under the supervision of the State board who is related by blood or marriage to any member of the State board or to any of the principal officers, superintendents, or wardens of State institutions.

C. S. 5013. **Failure of officers to furnish information.** If the board of commissioners of any county or the justices of the peace of any township, or any officer or employee of any charitable or penal institution of the State shall fail, refuse, or neglect to furnish any information required by law to be furnished to the State Board of Charities and Public Welfare, when they have been provided with the necessary blank forms for such reports, or shall fail upon request to afford proper facilities for the examination of any charitable or penal institution of the State, they shall be guilty of a misdemeanor.

COUNTY BOARDS OF CHARITIES AND PUBLIC WELFARE

C. S. 5014. **County board of charities, etc.; appointment; duty.** The State board shall appoint in each county three persons, to be known as the county board of charities and public welfare, whose duty shall be to advise with and assist the State board in the work in the county, to make such visitations and reports as the State board may request, and to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of the poor funds, and social conditions generally. The members of the county board of charities and public welfare shall serve without pay. The State board shall have power and right at any time to remove any member of the county board.

C. S. 5015. **Term of office and meetings of board.** The county board of charities and public welfare shall be appointed one for one year, one for two years, and one for three years, and subsequent appointments shall be for a term of three years. The persons so appointed shall meet immediately after their appointment and organize by electing a chairman, and the county superintendent of public welfare shall act as secretary. The county board shall meet at least once a month with the county superintendent of public welfare, and advise with him in regard to problems pertaining to his office.

See Biennial Report of Attorney General—1923-1924—*Pages* 253, 254.

COUNTY SUPERINTENDENT OF PUBLIC WELFARE

C. S. 5016. **Election.** On the second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July every two years thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years and until his successor is elected and qualified. The county superintendent of public instructcion shall serve as secretary of the joint meeting, make permanent record of the proceedings, and issue all notices and reports necessary, previous and subsequent to the meeting. The person elected county superintendent of public welfare shall be qualified by character, fitness, and experience to well discharge the duties thereof. No one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed immediately in like manner to elect another person. In case of a tie vote, the matter may be referred for decision to the State Commissioner of Public Welfare. A joint session of the two boards may be held at any time on the call of the chairman of either board for the purpose of discussing the work relating to the office; and a superintendent may be dismissed by joint action for proven unfitness or failure in the performance of duty and his successor elected. It is the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual cooperation for the purpose of obtaining the best possible results in carrying out the intention of this law. The joint meeting shall fix the salary of the county superintendent of public welfare, which sum shall be sufficient to secure the services of a well qualified person and one-half of which shall be paid from the funds of each board, and a reasonable

expense fund shall be provided by each board for carrying on the work, which sum shall be separate from that allowed as salary for the county superintendent. In counties having a population of less than thirty-two thousand (32,000) by the census of nineteen hundred and twenty, and in counties where, on January first, nineteen hundred and twenty-one, the superintendent of education was performing the functions of county superintendent of public welfare, the board of county commissioners shall have the option of taking part or of not taking part in the election of a county superintendent of public welfare, as provided above. In any county of less than thirty-two thousand (32,000) population, where the county commissioners do not desire to so participate, the county superintendent of public instruction shall become *ex officio* county superintendent of public welfare. Whenever by such action a county superintendent of public instruction becomes *ex officio* county superintendent of public welfare, he shall receive no salary in addition to that received as county superintendent of schools, but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. All such duties shall be as binding upon the county superintendent of public welfare as they would be in case he were not county superintendent of schools. Every county superintendent of public welfare shall make such reports of his work to the county board of education and the board of commissioners as said boards may require.

See Biennial Report of Attorney General—1921-1922—*Pages* 184-188.

See Biennial Report of Attorney General—1923-1924—*Pages* 236, 237, 240, 256.

C. S. 5017. **Powers and duties of county superintendent.** The county superintendent of public welfare shall be chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.

2. To act as agent of the State board in relation to any work to be done by the State board within the county.

3. Under the direction of the State board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.

4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.

5. To have oversight of dependent and delinquent children, and especially those on parole or probation.

6. To have oversight of all prisoners in the county on probation.

7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.

8. Under the direction of the State board, to have oversight over dependent children placed in the county by the State board.

9. To assist the State board in finding employment for the unemployed.

10. To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.

C. S. 5018. **Joint city and county welfare work.** In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county board of charities and public welfare as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are authorized to make such provision for the expense of carrying on the work as they may deem advisable, and may delegate to the county board of public welfare all necessary power.

See Biennial Report of Attorney General—1923-1924—*Pages* 252, 253.

LAWS GOVERNING PUBLIC WELFARE WORK

ABANDONMENT

C. S. 4447. **Abandonment of family by husband.** If any husband shall willfully abandon his wife without providing adequate support for such wife, and the children which he may have begotten upon her, he shall be guilty of a misdemeanor; Provided, that the abandonment of children by the father shall constitute a continuing offense and shall not be barred by any statute of limitations until the youngest child shall arrive at the age of eighteen years.

C. S. 4448. **Evidence that abandonment was willful.** If the fact of abandonment of and failure to provide adequate support for the wife and children shall be proved, or while being with such wife, neglect by the husband to provide for the adequate support of such wife or children shall be proved, then the fact that such husband neglects applying himself to some honest calling for the support of himself and family, and is found sauntering about, endeavoring to maintain himself by gaming or other undue means, or is a common frequenter of drinking houses, or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is willful.

C. S. 4449. **Order of support from husband's property or earnings.** Upon any conviction for abandonment, any judge or any recorder having jurisdiction thereof may, in his discretion, make such order as in his judgment will best provide for the support, as far as may be necessary, of the deserted wife or children, or both, from the property or labor of the defendant.

C. S. 4450. **Failure of husband to provide adequate support for family.** If any husband while living with his wife, shall willfully neglect to provide adequate support for such wife or children which he has begotten upon her, he shall be guilty of a misdemeanor. Upon conviction of any husband as herein provided, the court having jurisdiction thereof may in his discretion make such order as in his judgment will best provide for the support of such wife or children, and may commit the said husband to the common jail of the county, to be hired out by the county commissioners for such length of time as the court may deem proper, which said wage or salary shall be paid to the said wife or children, to be used toward their support.

See Biennial Report of Attorney General—1924-1926—*Page* 283.

ABORTION

C. S. 4226. **Using drugs or instruments, to destroy unborn child.** If any person shall willfully administer to any woman, either pregnant or quick with child, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug or other substance whatever, or shall use or employ any instrument or other means with intent thereby to destroy such child, unless the same shall be necessary to preserve the life of the mother, he shall be guilty of a felony, and shall be imprisoned

in the State's prison for not less than one year nor more than ten years, and be fined at the discretion of the court.

C. S. 4227. **Using drugs or instruments to produce miscarriage or injure pregnant woman.** If any person shall administer to any pregnant woman, or prescribe for any such woman, or advise and procure such woman to take any medicine, drug, or anything whatsoever, with intent thereby to procure the miscarriage of such woman, or to injure or destroy such woman, or shall use any instrument or application for any of the above purposes, he shall be guilty of a felony, and shall be imprisoned in the jail or State's prison for not less than one year nor more than five years and shall be fined, at the discretion of the court.

C. S. 4228. **Concealing birth of child.** If any person shall, by secretly burying or otherwise disposing of the dead body of a new-born child, endeavor to conceal the birth of such child, such person shall be guilty of a felony, and punished by fine or imprisonment, or both, such imprisonment to be in the county jail or State's prison, at the discretion of the court: *Provided*, that the imprisonment in the State's prison shall in no case exceed a term of ten years: *Provided further*, that nothing in this section shall be construed to prevent the mother, who may be guilty of the homicide of her child, from being prosecuted and punished for the same according to the principles of the common law. Any person aiding, counseling or abetting any woman in concealing the birth of her child shall be guilty of a misdemeanor.

ADOPTION AND GUARDIANSHIP

ADOPTION OF MINORS

C. S. 182. **Petition for adoption; contents.** Any person desiring to adopt any minor child may file a petition in the Superior Court of the county wherein such child resides, setting forth the name and age of such child and the name of its parents, whether the parents or either of them are living, and if there is no living parent, the name of the guardian, if any, and if there is no guardian, the name of the person having charge of the child or with whom such child resides, the amount and nature of the child's estate, if any, and especially if the adoption is for the minority or for the life of the child.

C. S. 183. **Parties to proceedings.** The parent or guardian, or the person having charge of such child, or with whom it may reside, must be a party of record in this proceeding.

C. S. 184. **Order and letters of adoption.** Upon the filing of such petition, and with the consent of the parent or parents, if living, or of the guardian, if any, or of the person with whom such child resides, or who may have charge of such child, the court may, if the petitioner is a proper and suitable person, sanction and allow such adoption by an order granting letters of adoption.

C. S. 185. **Effect of order; child's right of succession.** Such order, when made, shall have the effect forthwith to establish the relation of parent and child between the petitioner and the child during minority or

for life of such child, according to the prayer of the petition, with all the duties, powers and rights belonging to the relationship of parent and child, and in case the adoption be for the life of the child, and the petitioner die intestate, such order shall have the further effect to enable such child to inherit the real estate and entitle it to the personal estate of the petitioner in the same manner and to the same extent such child would have been entitled to if such child had been the actual child of the person adopting it. The child shall not inherit and be entitled to the personal estate, if the petitioner especially sets forth in his petition such to be his desire and intention.

(CHAPTER 171, PUBLIC LAWS OF 1927)

Any proceeding conducted under this section to which the adopting parent shall be a party shall be binding upon party, regardless of lack of jurisdiction as to other persons or any irregularities in the proceeding.

C. S. 186. **Change of child's name.** For proper cause shown in the petition the court may decree that the name of the child shall be changed to that of the petitioner.

C. S. 187. **Bond to secure orphan's property.** If the child is an orphan and without guardian, and possesses any estate, the court shall require from the petitioner such bond as is required by law to be given by guardians.

C. S. 188. **Record of order; revocation.** The order granting letters of adoption shall be recorded in the office of the clerk of the Superior Court of the county in which it is made, and may be revoked at any time by the court for good cause shown.

C. S. 189. **Abandonment by parent; custody forfeited.** In all cases where the parent or parents of any child has willfully abandoned the care, custody, nurture and maintenance of the child to kindred, relatives or other persons, such parent or parents shall be deemed to have forfeited all rights and privileges with respect to care, custody and services to such child, and upon a finding of such fact by the court, shall not be necessary parties to any action or proceeding under this chapter; provided, this section shall not prevent the parent from instituting a proceeding under the next section of this chapter.

SECTION 3, CHAPTER 171, PUBLIC LAWS OF 1927.—All proceedings for the adoption of minors, in courts of this State, are hereby validated and confirmed and the orders and judgments therein are declared to be binding upon all parties to said proceedings and their privies and upon all other persons, until the orders or judgments shall be vacated as provided by law. Nothing herein contained shall be construed to prevent any interested person who was not a party to the proceeding from moving to set aside any such order or judgment within one year from notice thereof, as provided by law; *Provided further*, nothing herein contained shall prevent any parent from an application for restoration of his or her rights as provided in section one hundred ninety of the Consolidated Statutes.

SEC. 3(a). This act shall not affect any pending litigation or any vested rights.

C. S. 190. **Restoration of parent's rights.** The rights and privileges of such parent may be restored by the voluntary surrender of such child by the person in whose care and custody such child may be, or by order of any judge of the Superior Court in the district in which such child may be when it appears to the satisfaction of such judge that the interest and welfare of such child will not be materially prejudiced by such restoration. The person having the care and custody of any such child shall have at least ten days notice of the time and place of the hearing of the application for such order of restoration, and shall be permitted to resist the same.

C. S. 191. **Procuring possession of child unlawfully.** Any parent whose rights and privileges have been forfeited as provided by the second preceding section, who shall procure the possession and custody of such child, with respect to whom his rights and privileges are forfeited, otherwise than as by law provided, shall be guilty of a crime and shall be punished as for abduction.

GUARDIAN AND WARD

ART. 1. *Jurisdiction in Matter of Guardianship.*

C. S. 2150. **Jurisdiction in clerk of Superior Court.** The clerks of the Superior Court within their respective counties have full power, from time to time, to take cognizance of all matters concerning orphans and their estates, and to appoint guardians in all cases of infants, idiots, lunatics, inebriates, and inmates of the Caswell Training School.

ART 2. *Creation and Termination of Guardianship*

C. S. 2151*. **Appointment by parents; effect; powers and duties of guardian.** Any father, though he be a minor, may, by deed executed in his lifetime and with the written consent and privy examination of the mother, if she be living, or by his last will and testament in writing, if the mother be dead, dispose of the custody and tuition of any of his infant children, being unmarried, and whether born at his death or in *ventre sa mere*, for such time as the children may remain under twenty-one years of age, or for any less time. Or in case the father is dead and has not exercised his said right of appointment, or has willfully abandoned his wife, then the mother, whether of full age or minor, may do so. Every such appointment shall be good and effectual against any person claiming the custody and tuition of such child or children. Every guardian by deed or will shall have the same powers and rights and be subject to the same liabilities and regulations as other guardians.

C. S. 2152. **Natural guardianship on death of father.** In case of the death of the father of an infant, the mother of such child surviving such father shall immediately become the natural guardian of such child to the same extent and in the same manner, plight and condition as the father would be if living; and the mother in such case shall have all the powers, rights and privileges, and be subject to all the duties and obligations of a natural guardian. But this shall not be construed as abridging the powers of the courts over minors and their estates and to the appointment of guardians.

C. S. 2153. **Appointment on divorce of parents.** When parents are divorced and a child is entitled to any estate, the court granting the divorce

must certify that fact to the clerk of the Superior Court, to the end that he may appoint a fit and proper person to take the care and management of such estate, whose powers and duties shall be the same in all respects as other guardians, except that a guardian so appointed shall not have any authority over the person of such child, unless the guardian be the father or mother.

C. S. 2154. **Appointment when father living.** The clerk of the Superior Court may appoint a guardian of the estate of any minor, although the father of such minor be living. And the guardian so appointed shall be governed in all respects by the laws relative to guardians of the estate in other cases, but shall have no authority over the person of such minor.

C. S. 2155. **Separate appointment for person and estate; yearly support specified; payments allowed in accounting.** Instead of granting general guardianship to one person, the clerk of the Superior Court may commit the tuition and custody of the person to one and the charge of his estate to another, whenever and at any time during minority, inebriety, idiocy or lunacy, it appears most conducive to the proper care of the orphan's, inebriate's, idiot's, or lunatic's estate, and to his suitable maintenance, nurture and education. In such cases the clerk must order what yearly sums of money or other provisions shall be allowed for the support and education of the orphan, or for the maintenance of the idiot, lunatic or inebriate, and must prescribe the time and manner of paying the same; but such allowance may, upon application and satisfactory proof made, be reduced or enlarged, or otherwise modified, as the ward's condition in life and the kind and value of his estate may require. All payments made by the guardian of the estate to the tutor of the person, according to any such order, shall be deemed just disbursements and be allowed in the settlement of his accounts; but for the payment thereof by the one and the receipt thereof by the other merely, no commissions shall be allowed to either, though commissions may be allowed to the tutor of the person on his disbursements only.

C. S. 2156. **Proceedings on application for guardianship.** On application to any clerk of the Superior Court for the custody and guardianship of any infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, it is the duty of such clerk to inform himself of the circumstances of the case on the oath of the applicant, or of any other person, and if none of the relatives of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School are present at such application, the clerk must assign, or for any other good cause he may assign, a day for the hearing; and he shall thereupon direct notice thereof to be given to such of the relatives and to such other persons, if any, as he may deem it proper to notify. On the hearing he shall ascertain, on oath, the amount of the property, real and personal, of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, and the value of the rents and profits of the real estate, and he may grant or refuse the application, or commit the guardianship to some other person, as he may think best for the interest of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School.

C. S. 2157. **Letters of guardianship.** The clerk of the Superior Court must issue to every guardian appointed by him a letter of appointment, which shall be signed by him and sealed with the seal of his office.

C. S. 2158. **Removal by clerk.** The clerks of the Superior Court have power, on information or complaint made, at all times to remove guardians and appoint successors, to make and establish rules for the better ordering, managing and securing infants' estate, and for the better education and maintenance of wards; and it is their duty to do so in the following cases:

1. Where the guardian wastes or converts the money or estate of the ward to his own use.

2. Where the guardian in any manner mismanages the estate.

3. Where the guardian is about or intends to marry any ward in disparagement.

4. Where the guardian neglects to educate or maintain the ward in a manner suitable to his or her degree.

5. Where the guardian is legally disqualified to act as a person would be to be appointed administrator.

6. Where the guardian or his sureties are likely to become insolvent or nonresidents of the State.

C. S. 2159. **Interlocutory orders on revocation.** In all cases where the letters of a guardian are revoked, the clerk of the Superior Court may, from time to time, pending any controversy in respect to such removal, make such interlocutory orders and decrees as will tend to the better securing the estate of the ward, or other party seeking relief by such revocation.

C. S. 2160. **Resignation; effect; accounting on resignation.** Any guardian wishing to resign his trust may apply in writing to the Superior Court, setting forth the circumstances of his case. If, at the time of making the application, he also exhibits his final account for settlement, and if the clerk of the Superior Court is satisfied that the guardian has been faithful and has truly accounted, and if a competent person can be procured to succeed in the guardianship, the clerk of the Superior Court may accept the resignation of the guardian and discharge him from the trust. But the guardian so discharged and his sureties are still liable in relation to all matters connected with the trust before the resignation.

ART 3. *Guardian's Bond*

C. S. 2161. **Bond to be given before receiving property.** No guardian appointed for an infant, idiot, lunatic, insane person or inebriate, shall be permitted to receive property of the infant, lunatic, idiot, insane person or inebriate until he shall have given sufficient security, approved by a judge, or the court, to account for and apply the same under the direction of the court.

C. S. 2162. **Terms and conditions of bond; increased on sale of realty.** Every guardian of the estate, before letters of appointment are issued to him, must give a bond payable to the State, with two or more sufficient sureties, to be acknowledged before and approved by the clerk of the Superior Court, and to be jointly and severally bound. The penalty in such bond must be double, at least, the value of all personal property and the rents and profits issuing from the real estate of the infant, which value is to be ascertained by the clerk of the Superior Court by the examination, on oath, of the applicant for guardianship, or of any other person.

The bond must be conditioned that such guardian shall faithfully execute the trust reposed in him as such, and obey all lawful orders of the clerk or judge touching the guardianship of the estate committed to him. If, on application by the guardian, the court or judge shall decree a sale for any of the causes prescribed by law of the property of such infant, idiot, lunatic, or insane person, before such sale be confirmed, the guardian shall be required to file a bond as now required in double the amount of the real property so sold.

C. S. 2163. **To be recorded in clerk's office; action on bond.** The bond so taken shall be recorded in the office of the clerk of the Superior Court appointing the guardian; and any person injured by a breach of the condition thereof may prosecute a suit thereon, as in other actions.

C. S. 2164. **Where several wards with estate in common, one bond sufficient.** When the same person is appointed guardian to two or more minors, idiots, lunatics or insane persons possessed of one estate in common, the clerk of the Superior Court may take one bond only in such case, upon which each of the minors or persons for whose benefit the bond is given, or their heirs or personal representatives, may have a separate action.

C. S. 2165. **Renewal of bond every three years; enforcing renewal.** Every guardian shall renew his bond before the clerk of the Superior Court every three years, during the continuance of the guardianship. The clerk of the Superior Court shall issue a citation against every guardian failing to renew his bond, requiring such guardian to renew his bond within twenty days after service of the citation; and on return of the citation duly served and failure of the guardian to comply therewith, the clerk shall remove him and appoint a successor.

C. S. 2166. **Relief of endangered sureties.** Any surety of a guardian, who is in danger of sustaining loss by his suretyship, may file his complaint before the clerk of the Superior Court where the guardianship was granted, setting forth the circumstances of his case and demanding relief; and thereupon the guardian shall be required to answer the complaint within twenty days after service of the summons. If, upon the hearing, the clerk of the Superior Court deem the surety entitled to relief, the same may be granted by compelling the guardian to give a new bond, or to indemnify the surety against apprehended loss, or by the removal of the guardian from his trust; and in case the guardian fail to give a new bond or security to indemnify when required to do so within reasonable time, the clerk of the Superior Court must enter a peremptory order for his removal, and his authority as guardian shall thereupon cease.

C. S. 2167. **Liability of clerk for taking insufficient bond.** If any clerk of the Superior Court shall commit the estate of an infant, idiot, lunatic, insane person or inebriate to the charge or guardianship of any person without taking good and sufficient security for the same as directed by law, such clerk shall be liable, on his official bond, at the suit of the party aggrieved, for all loss and damages sustained for want of security being taken; but if the sureties were good at the time of their being accepted, the clerk of the Superior Court shall not be liable.

C. S. 2168. **Liability of clerk for other defaults.** If any clerk of the Superior Court shall willfully or negligently do, or omit to do, any other act prohibited, or other duty imposed on him by law, by which act or omission the estate of any ward suffers damage, he shall be liable therefor as directed in the preceding section.

ART. 4. *Powers and Duties of Guardian.*

C. S. 2169. **To take charge of estate.** Every guardian shall take possession, for the use of the ward, of all his estate, and may bring all necessary actions therefor.

C. S. 2170. **To sell perishable goods on order of clerk.** Every guardian shall sell, by order of the clerk of the Superior Court, all such goods and chattels of his ward as may be liable to perish or be the worse for keeping. Every such order shall be entered in the order record of the Superior Court and must contain a descriptive list of the property to be sold, with the terms of sale.

C. S. 2171. **How sales and rentals made.** All sales and rentings by guardians shall be publicly made, between the hours of ten o'clock a. m. and four o'clock p. m., after twenty days notice, posted at the courthouse and four other public places in the county. But, upon petition by the guardian, the clerk of the Superior Court of the county in which the land of the ward is situated, or of the county wherein the guardian has qualified, may make an order, on satisfactory evidence, upon the oath of at least two disinterested freeholders acquainted with the said land, that the best interests of the said ward will be subserved by a private renting of said land, allowing the guardian to rent the land privately. The terms of all such rentings shall be reported to said clerk of the Superior Court and be approved by him. In cases where guardians have heretofore rented their ward's land at private rentings in good faith and for the benefit of the ward's estate, they shall not be liable to the penalty heretofore prescribed by law. The proceeds of all sales of personal estate and rentings of real property, except the rentings of lands leased for agricultural purposes, when not for cash, shall be secured by bond and good security.

C. S. 2172. **When lands may be leased.** The guardian may lease the lands of an infant for a term not exceeding the end of the current year in which the infant shall come of age, or die in nonage. But no guardian, without leave of the clerk of the Superior Court, shall lease any land of his ward without impeachment of waste, or for a term of more than three years, unless at a rent not less than three per centum on the assessed taxable value of the land.

C. S. 2173. **When guardians to cultivate lands of wards.** Where any parent of a minor child qualifies as guardian of such child, and the ward owns or is entitled to the possession of any real estate used or which may be used for agricultural purposes, such guardian may make application to the clerk of the Superior Court of the county wherein the land is situate for permission to cultivate it, and the petition shall set forth the nature, extent and location of the same. It shall then be the duty of the clerk to appoint three disinterested resident freeholders, who shall go upon the land and, after being sworn to act impartially, assess the annual rental

value thereof. The commissioners shall report their proceedings and findings to the clerk within ten days after the notification of their appointment, and if the clerk shall deem the same to be the interest of the ward he shall make an order allowing the guardian to cultivate the land for a term not exceeding three years at the annual rental value assessed by the commissioners to be paid to the ward by the guardian. The term, however, shall not extend beyond the minority of the minor. The commissioners shall receive as compensation for said services the same fees as are allowed commissioners in partition of real estate.

C. S. 2174. **When timber may be sold.** In case the land cannot be rented for enough to pay the taxes and other dues thereof, and there is not money sufficient for that purpose, the guardian, with the consent of the clerk of the Superior Court, may annually dispose of or use so much of the lightwood, and box or rent so many pine trees, or sell so much of the timber on the same, as may raise enough to pay the taxes and other duties thereon, and no more.

C. S. 2175. **Plate and jewelry to be kept.** All plate and jewelry shall be preserved and delivered to the ward at age, in kind, according to weight and quantity.

C. S. 2176. **Personal representative of guardian to pay over to clerk.** In all cases where a guardian of any minor child or of an idiot, lunatic, inebriate or insane person dies, it is competent for the executor or administrator of such deceased guardian, at any time after the grant of letters testamentary or of administration, to pay into the office of the clerk of the Superior Court of the county where such deceased guardian was appointed, any moneys belong to any such minor child, idiot, lunatic, insane person or inebriate, and any such payment shall have the effect to discharge the estate of said deceased guardian and his sureties upon his guardian bond to the extent of the amount so paid.

C. S. 2177. **Collection of claims; duty and liability.** Every guardian shall diligently endeavor to collect, by all lawful means, all bonds, notes, obligations or moneys due his ward when any debtor or his sureties are likely to become insolvent, on pain of being liable for the same.

C. S. 2178. **Liability for lands sold for taxes.** If any guardian suffer his ward's lands to lapse or become forfeited or be sold for nonpayment of taxes or other dues, he shall be liable to answer for the full value thereof to his ward.

C. S. 2179. **Liability for costs.** All fees and costs of the Superior Court for issuing orders, citations, summonses or other process against guardians for their supposed defaults shall be paid by the party found in default.

ART. 5. *Sales of Ward's Estate*

C. S. 2180. **Special proceedings to sell; judge's approval required.** On application of the guardian by petition, verified upon oath, to the Superior Court, showing that the interest of the ward would be materially promoted by the sale or mortgage of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings; and

the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale or mortgage be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward; but no sale or mortgage shall be made until approved by the judge of the court, nor shall the same be valid, nor any conveyance of the title made, unless confirmed and directed by the judge, and the proceeds of the sale or mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify. The guardian may not mortgage the property of his ward for a term of years exceeding the minority of the ward. The word "mortgage" wherever used herein shall be construed to include deeds in trust.

C. S. 2181. **Fund from sale has character of estate sold and subject to same trusts.** Whenever, in consequence of any sale under the preceding section, the real or personal property of the ward is saved from demands to which in the first instance it may be liable, the final decree shall declare and set apart a portion of the personal or real estate thus saved, of value equal to the real and personal estate sold, as property exchanged for that sold; and in all such cases of sale, whereby real is substituted by personal, or personal by real property, the beneficial interest in the property acquired shall be enjoyed, alienated, devised or bequeathed, and shall descend and be distributed, as by law the property sold might and would have been had it not been sold, until it be reconverted from the character thus impressed upon it by some act of the owner and restored to its character proper.

C. S. 2182. **Sale of ward's estate to make assets.** When a guardian has notice of a debt or demand against the estate of his ward, he may apply by petition, setting forth the facts, to the clerk of the Superior Court wherein the guardianship was granted, for an order to sell so much of the personal or real estate as may be sufficient to discharge such debt or demand; and the order of the court shall particularly specify what property is to be sold and the terms of sale; but no real estate shall be sold under this section, in any case, without the revision and confirmation of the order therefor by the judge of the Superior Court. The proceeds of sale under this section shall be considered as assets in the hands of the guardian for the benefit of creditors, in like manner as assets in the hands of a personal representative; and the same proceedings may be had against the guardian with respect to such assets as might be taken against an executor, administrator or collector in similar cases.

ART. 6. *Returns and Accounting*

C. S. 2183. **Return within three months.** Every guardian, within three months after his appointment, shall exhibit an account, upon oath, of the estate of his ward, to the clerk of the Superior Court; but such time may be extended by the clerk of the Superior Court, on good cause shown, not exceeding six months.

C. S. 2184. **Procedure to compel return.** In cases of default to exhibit the return required by the preceding section, the clerk of the Superior Court must issue an order requiring the guardian to file such return forthwith, or to show cause why an attachment should not issue against him. If, after due service of the order, the guardian does not, on the return day of the order, file such return, or obtain further time to file the same, the clerk of the Superior Court shall issue an attachment against him, and commit him to the common jail of the county till he files such return.

C. S. 2185. **Additional assets to be returned.** Whenever further property of any kind, not included in any previous return, comes to the hands or knowledge of any guardian, he must cause the same to be returned within three months after the possession or discovery thereof; and the making of such return of new assets, from time to time, may be enforced in the same manner as prescribed in the preceding section.

C. S. 2186. **Annual accounts.** Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk of the Superior Court an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The clerk of the Superior Court may examine on oath such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate; and having carefully revised and audited such account, if he approve the same, he must indorse his approval thereon, which shall be deemed *prima facie* evidence of correctness.

C. S. 2187. **Procedure to compel accounting.** If any guardian omit to account, as directed in the preceding section, or renders an insufficient and unsatisfactory account, the clerk of the Superior Court shall forthwith order such guardian to render a full and satisfactory account, as required by law, within twenty days after service of the order. Upon return of the order, duly served, if such guardian fail to appear or refuse to exhibit such account, the clerk of the Superior Court may issue an attachment against him for contempt and commit him till he exhibits such account, and may likewise remove him from office.

C. S. 2188. **Final account.** A guardian may be required to file such account at any time after six months from the ward's coming of full age or the cessation of the guardianship; but such account may be filed voluntarily at any time, and, whether the accounting be voluntary or compulsory, it shall be audited and recorded by the clerk of the Superior Court.

C. S. 2189. **Expenses and disbursements credited to guardian.** Every guardian may charge in his annual account all reasonable disbursements and expenses; and if it appear that he has really and *bona fide* disbursed more in one year than the profits of the ward's estate, for his education and maintenance, the guardian shall be allowed and paid for the same out of the profits of the estate in any other year; but such disbursements must, in all cases, be suitable to the degree and circumstances of the estate of the ward.

C. S. 2190. **Commissions.** The Superior Court shall allow commissions to the guardian for his time and trouble in the management of the ward's estate, in the same manner and under the same rules and restrictions as allowances are made to executors, administrators and collectors.

ART. 7. *Public Guardians*

C. S. 2191. **Appointment; term; oath.** There may be in every county a public guardian, to be appointed by the clerk of the Superior Court for

a term of eight years. The public guardian shall take and subscribe an oath (or affirmation) faithfully and honestly to discharge the duties imposed upon him; the oath so taken and subscribed shall be filed in the office of the clerk of the Superior Court.

C. S. 2192. **Bond of public guardian; increasing bond.** The public guardian shall enter into bond with three or more sureties, approved by the clerk in the penal sum of six thousand dollars, payable to the State of North Carolina, conditioned faithfully to perform the duties of his office and obey all lawful orders of the Superior or other courts touching said guardianship of all wards, money or estate that may come into his hands. Whenever the aggregate value of the real and personal estate belonging to his several wards exceeds one-half the bond herein required the clerk of the Superior Court shall require him to enlarge his bond in amount so as to cover at least double the aggregate amount under his control as guardian.

C. S. 2193. **Powers, duties, liabilities, compensation.** The powers and duties of said public guardian shall be the same as other guardians, and he shall be subject to the same liabilities as other guardians under the existing laws, and shall receive the same compensation as other guardians.

C. S. 2194. **When letters issue to public guardian.** The public guardian shall apply for and obtain letters of guardianship in the following cases:

1. When a period of six months has elapsed from the discovery of any property belonging to any minor, idiot, lunatic, insane person or inebriate, without guardian.

2. When any person entitled to letters of guardianship shall request in writing the clerk of the Superior Court to issue letters to the public guardian; but it is lawful and the duty of the clerk of the Superior Court to revoke said letters of guardianship at any time after issuing the same upon application in writing by any person entitled to qualify as guardian, setting forth a sufficient cause for such revocation.

ART. 8. *Foreign Guardians*

C. S. 2195. **Right to removal of ward's personalty from State.** Where any ward, idiot, lunatic or insane person, residing in another state or territory, or in the District of Columbia, or Canada, or other foreign country, is entitled to any personal estate in this State, or personal property substituted for realty by decree of court, or to any money arising from the sale of real estate, whether the same be in the hands of any guardian residing in this State, or of any executor, administrator or other person holding for the ward, idiot, lunatic, or insane person, or if the same (not being adversely held and claimed) be not in the lawful possession or control of any person, the guardian of the ward, idiot, lunatic or insane person, duly appointed at the place where such ward, idiot, lunatic or insane person resides, may apply to have such estate removed to the residence of the ward, idiot, lunatic or insane person by petition filed before the clerk of the Superior Court of the county in which the property or some portion thereof is situated; which shall be proceeded with as in other cases of special proceedings.

C. S. 2196. **Contents of petition; parties defendant.** The petitioner must show to the court a copy of his appointment as guardian and bond duly authenticated, and must prove to the court that the bond is sufficient, as well in the ability of the sureties as in the sum mentioned therein, to secure all the estate of the ward wherever situated. Any person may be made a party defendant to the proceeding who may be made a party defendant in civil actions under the provisions of the chapter entitled Civil Procedure.

ART. 9. *Estates Without Guardian*

C. S. 2197. **Duty of grand jury as to orphans and guardians.** The grand jury of every county is charged with and shall present to the Superior Court the names of all orphan children that have no guardian or are not bound out to some trade or employment. They shall further inquire of all abuses, mismanagement and neglect of all such guardians as are appointed by the clerk of the Superior Court. The clerk of the Superior Court shall, at each term of the Superior Court, lay before the grand jury a list of all the guardians acting in his county or appointed by him.

C. S. 2198. **Solicitor to apply for receiver for orphans' estates.** Whenever an orphan, having any estate, is presented by a grand jury, for whom no suitable person will become guardian, the clerk of the Superior Court must give notice thereof forthwith to the solicitor of the State for the judicial district, who shall apply in behalf of the orphan to the judge of the Superior Court of the county where such presentment was made, to the end that a receiver be appointed.

C. S. 2199. **Solicitor to prosecute bond of guardian removed without a successor.** Whenever any guardian is removed, and no person is appointed to succeed in the guardianship, the clerk of the Superior Court shall certify the name of such guardian and his sureties to the solicitor of the judicial district, who shall forthwith institute an action on the bond of the guardian in the Superior Court, for securing the estate of the ward.

C. S. 2200. **Judge to appoint receiver; his rights and duties.** The judge of the Superior Court, either residing in or presiding over the courts of the district, before whom such action is brought, shall have power to appoint the clerk of the Superior Court or some discreet person as a receiver to take possession of the ward's estate, to collect all moneys due to him, to secure, lend, invest or apply the same for the benefit and advantage of the ward, under the direction and subject to such rules and orders in every respect as the said judge may from time to time make in regard thereto; and the accounts of such receiver shall be returned, audited and settled as the judge may direct. The receiver shall be allowed such amounts for his time, trouble and responsibility as seem to the judge reasonable and proper; and such receivership may be continued until a suitable person can be procured to take the guardianship.

C. S. 2201. **Receiver to pay over estate to infant or guardian.** When another guardian is appointed, he may apply by motion, on notice, to the judge of the Superior Court for an order upon the receiver to pay over all the money, estate and effects of the ward; and if no such guardian is appointed, then the ward, on coming of age, or in case of his death, his

executor, administrator or collector, and the heir or personal representative of the idiot, lunatic or insane person, shall have the like remedy against the receiver.

C. S. 2202. **Duties and compensation of solicitor.** The solicitor shall prosecute the action and take all necessary orders therein, and for his services shall be allowed such reasonable compensation as may be just, not to exceed ten dollars; in passing on the returns of receivers, where the estate of the infant does not exceed five hundred dollars, not to exceed five dollars; and where the estate exceeds five hundred dollars, not to exceed ten dollars. The amount in each case to be fixed by the judge.

See, also, under County Superintendent of Public Welfare and Juvenile Courts.

BLIND

(See Page 37.)

CHILD LABOR

(See Employment, Page 39.)

CONFEDERATE HOMES AND PENSIONS

PART 1. *Pension Boards*

5168(a). State Board. Examination of applications. The Governor, Attorney-General, and Auditor shall be constituted a State Board of Pensions which shall examine each application for a pension, and for this purpose it may take other testimony than that sent up by the county boards. Such applications as are approved by the State Board shall be paid by the Treasurer upon the warrant of the Auditor.

5168(b). State Board to make rules. The State Board of Pensions is hereby empowered to prescribe rules and regulations for the more certainly carrying into effect this article according to its true intent and purpose.

5168(c). Auditor to transmit lists to clerks of Court. Publication of list. The Auditor shall, as soon as the same is ascertained, transmit to the clerks of the Superior Court of the several counties a correct list of the pensioners, with their postoffices, as allowed by the State Board of Pensions. The Auditor may have printed once in each year, but not oftener, a list of the pensioners on the pension roll.

5168(d). County board. The clerk of the Superior Court, together with three reputable ex-Confederate soldiers or sons of ex-Confederate soldiers, to be appointed by the State Auditor, shall constitute a county board of pensions for their county.

5168(e). Examination and classification by county board. Certificate of disability. All persons entitled to pensions under this article, not now drawing pensions, shall appear before the county board of pensions on or before the first Monday in July of each year, for examination and classification in compliance with the provisions of this article: Provided, that all such as are unable to attend shall present a certificate from a creditable physician, living and practicing medicine in the community in which the applicant resides, that the applicant is unable to attend.

5168(f). Annual revision of pension roll. On the first Monday of July of each year the pension board of each county shall revise and purge the pension roll of the county, first giving written notice of ten days to the pensioner who is alleged not to be rightfully on the State pension roll, to show cause why his name should not be stricken from the pension list, and the board shall meet another day to consider the subject of purging the list.

PART 2. *Persons Entitled to Pensions; Classification and Amount*

5168(g). Blind or maimed Confederate soldiers. All ex-Confederate soldiers and sailors who have become totally blind since the war, or who have lost their sight or both hands or feet, or one arm and one leg, in the Confederate service, shall receive from the public Treasurer four hundred twenty dollars ($420) a year.

5168(h). Helpless or demented widows of Confederate soldiers. Every widow of a Confederate soldier who married and was widowed prior to one thousand eight hundred and sixty-six and who has not remarried and who bore and raised legitimate child or children of the deceased Confederate soldier, and who has lost her mind, or become helpless, and is not confined in an asylum, or inmate of any charitable institution, shall receive the same pay and in the same manner as blind Confederate soldiers.

5168(i). List of blind and disabled soldiers to be sent to the Governor. Warrant issued by Auditor. The clerk of the Superior Court shall, under his seal of office, certify to the Governor the names and the number of soldiers examined in his county who are blind and maimed, or who have become paralyzed and are totally disabled by reason thereof; upon such certificate the Auditor, with the approval of the Governor, is authorized to issue his warrant to the Treasurer to pay the sum of four hundred and twenty dollars ($420.00) annually for each blind and maimed person, named in the certificate, and the clerk shall pay out such money monthly to the persons entitled to the same.

5168(j). Classification of pensions for soldiers and widows. There shall be paid out of the Treasury of the State, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his application for pension a bona fide resident of the State, and who is incapacitated for manual labor, and was a soldier or sailor in the service of the Confederate States of America during the War Between the States, and to the widow of any deceased officer, soldier or sailor, who was in the service of the Confederate States of America during the War Between the States, if such widow was married to such soldier or sailor prior to the dates set forth in the widows' classification in this section, and if she has married again, is widow at the date of her application, the following sums annually, according to the degree of disability ascertained by the following grades.

Class A. To all Confederate soldiers not included in Section One of this act, who are now disabled from any cause to perform manual labor, three hundred and sixty-five dollars ($365.00).

Class B. To such colored servants who went with their masters to the war and can prove their service to the satisfaction of the county and State pension boards, two hundred dollars ($200.00).

Widows: Class A. To the widows of ex-Confederate soldiers who are blind in both eyes or totally helpless and confined to the house, three hundred dollars ($300.00).

Class B. To the widows of ex-Confederate soldiers who were married to such soldiers on or before January first, eighteen hundred and eighty, and to such widows who were married to such soldiers subsequent to January first, eighteen hundred and eighty, and who are now on the pension rolls by virtue of previous statutes, one hundred dollars ($100.00).

5168(k). Persons not entitled to pensions. No person shall be entitled to receive the benefits of this article—

1. Who is an inmate of the Soldiers' Home at Raleigh;
2. Who is confined in any asylum or county home;
3. Who receives a pension from any other State or from the United States;
4. Who holds a National, State, or county office which pays annually in salary or fees the sum of three hundred dollars ($300);
5. Who was a deserter, or the widow of such deserter; but no soldier who has been honorably discharged or who was in service at the surrender shall be considered a deserter in the meaning of this section;
6. Who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed;
7. Who owns in his own right, or in the right of his wife, property whose tax valuation exceeds two thousand dollars ($2,000), or who having owned property in excess of two thousand dollars ($2,000) has disposed of the same by gift or voluntary conveyance to his wife, child, next of kin, or to any other person since the eleventh day of March , one thousand eight hundred and eighty-five: Provided, that the county board of pensions may place upon the pension roll, in the classes to which they would otherwise belong, any Confederate soldier, sailor, or widow disqualified by the provisions of this section, who may appear to be unable to earn a living from property valued as much as two thousand dollars ($2,000) or more for taxation, and who may appear to the board from special circumstances worthy to be placed upon the pension roll.

PART 3. *Application for Pensions*

5168(l). Forms provided by Auditor. The Auditor of the State shall provide a form of application (according to the terms of this article), and have the same printed and sent to the clerks of the Superior Courts of the several counties of the State for use of applicants.

5168(m). Application by person, guardian, or receiver. No soldier, officer, sailor, or widow shall be entitled to the benefits of this chapter except upon his or her own application, or, in case he or she is insane, upon the application of his or her guardian or receiver.

5168(n). Applications by persons not on rolls. Before any officer, soldier, or sailor, not now receiving a pension, shall receive any part of the annual appropriation made for pensions he shall, on or before the first Monday in July of every year, file with the Superior Court clerk of the county wherein he resides an application for relief, setting forth in

detail the company and regiment or battalion in which he served at the time of receiving the wound, the time and place of receiving the wound; whether he is holding an office in the State, United States, or county from which he is receiving the sum of three hundred dollars ($300) in fees or salary; whether he is worth in his own right, or in the right of his wife, property at its assessed value for taxation to the amount of two thousand dollars ($2,000); whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State; and whether he is a citizen of the State of North Carolina. Such application shall be verified by the oath of the applicant made before any one empowered to administer oaths, and shall be accompanied by the affidavit of one or more creditable witnesses, stating that he or they verily believe the applicant to be the identical person named in the application and that the facts stated in the application are true; and when the county board of pensions is satisfied with the justice of the claim made by the applicant they shall so certify the same to the Auditor of the State under their hands and the seal of the Superior Court of their county, which shall be impressed by the clerk of the Superior Court of the county; and there shall accompany the certificate so sent to the Auditor the application, affidavit and proofs taken by them, which papers shall be kept on file in the Auditor's office. Clerks of the Superior Courts shall receive no fees whatsoever for the services herein required of them.

5168(o). Time for forwarding certificate. Auditor to issue warrant. It shall be the duty of the clerk of the Superior Court of the county where the application is filed to forward to the Auditor of the State, immediately after the certificate required by the next preceding section is made and before the first Monday in August of each year, the application and proof and certificates, and upon the State Board of Pensions being satisfied of the truth and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

5168(p). Subsequent certificates. Suggestion of fraud. After an application has once been passed upon and allowed by the county and State boards, it shall be necessary only for the applicant to file with the Auditor of the State a certificate from the clerk of the Superior Court of the county in which the application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive, but still disabled, and a citizen of this State, and still entitled to the benefits of this article, which certificate may be passed upon by the State Board, upon suggestions of fraud, before the Auditor draws his warrant upon such certificate.

PART 4. *Payment of Pensions; Warrants*

5168(q). Payment of pensions in advance. Acknowledgment of receipt of warrants. Pensions are payable in advance and the State Auditor shall transmit to the clerks of the Superior Courts of the various counties warrants for pensioners for one-half of the yearly pensions between the first and fifteenth of December, and for one-half of the yearly pensions between the first and fifteenth of June of each year. It shall be the duty of the clerk of the Superior Court to acknowledge to the Auditor the receipt of such warrants by the next mail after their receipt, to deliver or mail forthwith to each pensioner in his county his warrant, and to post in the courthouse a list of the pensioners to whom he has mailed or delivered warrants.

5168(r). Warrants payable to pensioner or order. Indorsement. Copy of power of attorney. The Auditor shall issue his warrant payable to the pensioner, or order, and such warrant shall not be paid by the Treasurer without the indorsement of the payee or his duly appointed attorney in fact, specially authorized to make such indorsement; and if such indorsement is made by the payee it shall be attested by the official signature of the clerk of the Superior Court or some justice of the peace or notary public of the county in which such payee resides, and if such indorsement is made by the attorney in fact of the payee, a copy of the power of attorney, duly attested by the clerk of the Superior Court or a justice of the peace or notary public of the county in which the payee resides, shall be attached to the warrant.

5168(s). Payment to widow or next of kin. Whenever a Confederate soldier who is now on the pension list shall die after the fifteenth of September, or after the fifteenth of March, and before the December or June pension check is delivered to him or her, it shall be lawful for the clerk of the Superior Court in which such pensioner lived to deliver and pay the next pension warrant due in December or June, as the case may be, to the widow or next of kin of such pensioner, or to such person as designated by the State Board of Pensions, and the endorsement of the widow or next of kin, or person designated by the State Board of Pensions, shall be a valid endorsement of such pension warrant.

5168(t). Pensions continued to widows for one year. All pensions due to Confederate soldiers shall be paid to their widows for a period of one year after the death of any such pensioner: Provided, that the amount paid shall not exceed a widow's pension as prescribed by law.

5168(u). Limit and distribution of appropriation. The State Auditor is authorized, empowered and directed to apportion, distribute and divide the money appropriated by the State for pensions, and to issue warrants to the several pensioners pro rata in their respective grades: Provided, that no pensioner on the list shall receive more than one dollar ($1.00) per day annually: Provided, further, that if the money appropriated by the General Assembly for the Confederate soldiers, widows and servants is more than enough to pay them the amounts mentioned in this act, or if for any other cause, after paying the Confederate soldiers, widows and servants the amount stipulated in their respective grades as set out in this act, should there be an excess of the money appropriated for the first year, then the balance in the fund so appropriated for the first year shall revert and supplement the fund appropriated for the second year of the biennium. Provided further, that any moneys herein appropriated for the purposes aforesaid, shall not be needed to pay the Confederate soldiers, widows and servants the amounts stipulated in their respective grades, then such moneys shall be paid by the State Board of Pensions into the Treasury and become a part of the general fund appropriated by the State for other purposes. Provided, that no greater amount shall be paid out under this act than is appropriated under the general appropriation maintenance act.

5168(v). Increase by counties. Special tax. The county commissioners of each county in the State are authorized and empowered, if in their discretion such levy is deemed advisable, to levy for each year, at the same time and in the same manner as the levy of other county taxes, a special tax, not exceeding two cents on the hundred dollars valuation of

property and six cents on each taxable poll, the constitutional equation between the property and poll being observed each year for the purpose of increasing the pensions of Confederate soldiers and widows.

Such tax shall be collected and accounted for by the sheriff or other tax collector in the same manner and under the same penalties as other taxes levied for the county, and the net proceeds thereof shall be applied each year to increase pro rata the pensions of such persons as stand upon the Confederate roll of the county for the year in which the tax is levied.

The amount collected under this section shall be disbursed by the county commissioners, pro rata, to the various pensioners in such county as shown by the State pension list for that county.

PART 5. *Miscellaneous Provisions*

5168(w). Officer failing to perform duties. Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this article shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court shall be fined or imprisoned at the discretion of the court.

5168(x). Speculation in pension claims a misdemeanor. Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor or widow of a deceased soldier or sailor, allowed under the provisions of this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

5168(y). Payment of burial expenses. Whenever in any county of this State a Confederate pensioner on the pension roll of the county, or the widow of a Confederate soldier, shall die, it shall be the duty of the board of commissioners of such county, upon the certificate of such fact by the clerk of the Superior Court and recommendation of the chairman of the pension board of the county, to order the payment out of the general fund of the county of a sum not exceeding thirty dollars ($30), to be applied toward defraying of the burial expenses of such deceased pensioner or widow.

5168(z). Peddling without license. All ex-Confederate soldiers who are without means of support other than their manual labor, and who are incapacitated to perform manual labor for any reason other than by their vicious habits, and now citizens of this State, shall be allowed to peddle drugs, goods, wares, and merchandise in any of the counties of this State without a license therefor. Before any soldier shall be entitled to the benefits of this chapter he shall make application to the county board of pensions of the county of which he is a resident, and show to the satisfaction of the county board of pensions that he is entitled to the same by having served in the Confederate army or navy during the War Between the States, and that he is incapacitated to perform manual labor, and does not own property the tax valuation of which exceeds the sum of two thousand dollars ($2,000) in his own name or in the name of his wife, deeded to her by him since the first day of March, one thousand nine hundred and two.

5168(aa). Exemption of pensions or compensation from taxation. Every person receiving a pension or compensation from the State, or

United States, or any foreign country or government, for and on account of wounds or physical disabilities contracted or sustained during the late war between the United States and Germany, and any of the allied countries co-operating with the United States, shall not be required to pay any tax of any kind upon such pension or compensation, but the same shall be exempted from any and all taxes. This section shall apply to all such taxes for the year one thousand nine hundred and twenty-three, and thereafter.

COUNTY BOARDS OF PUBLIC WELFARE

(See Page 12.)

COUNTY HOMES FOR THE AGED AND INFIRM

(See Page 119.)

COUNTY SUPERINTENDENTS OF PUBLIC WELFARE

(See Page 12.)

CRIPPLED CHILDREN

(See Page 45.)

DEAF

(See Education and Schools, Page 37.)

DIVORCE

C. S. 1659. **Grounds for absolute divorce.** Marriages may be dissolved and the parties thereto divorced the bonds of matrimony, on application of the party injured, made as by law provided, in the following cases:

1. If the husband or wife commits adultery.
2. If either party at the time of the marriage was and still is naturally impotent.
3. If the wife at the time of the marriage is pregnant, and the husband is ignorant of the fact of such pregnancy and is not the father of the child with which the wife was pregnant at the time of the marriage.
4. If there has been a separation of husband and wife, and they have lived separate and apart for five successive years, and the plaintiff in the suit for divorce has resided in this State for that period.

DRUGS

(*See also C. S.* 6673; *C. S.* 6674; *C. S.* 6675; *C. S.* 6676; *C. S.* 6677; *C. S.* 6678; *C. S.* 6681; *C. S.* 6682, *on regulations for the sale of drugs.*)

DRUGS AND NARCOTICS REGULATED

C. S. 6672. **Narcotics and other drugs regulated.** That it shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances,

or their salts or compounds, in greater quantity than is prescribed in the United States Pharmacopœia, except upon the original written order or prescription of a lawfully licensed practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription; and in no case shall any person, firm, or corporation fill any prescription or order for cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in flake or crystals, but only in a solution, or ointment, which shall not contain over four per cent of the above named substances, or any of them, and no such order or prescription shall be for a greater quantity than one ounce of any such solution or ointment sold and dispensed in one-ounce bottles. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber, and properly authorized officers of the law: *Provided, however*, that the above provisions shall not apply to prescriptions containing opium, or its derivatives, and recommended and sold in good faith for diarrhea, cholera, or coughs, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use; nor to the compound powder of ipecac and opium, commonly known as "Dover's Powders"; and *Provided further*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists or qualified physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations, for use in the manufacture of such preparations, nor to sales to hospitals, colleges, or scientific institutions.

C. S. 6679. **Possession of certain drugs forbidden.** That it shall be unlawful for any person, firm, or corporation, other than those enumerated in this act, and also those into whose hands possession may come, in enforcing or attempting to enforce the provisions of this act, to have in his or their possession any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of the foregoing substances, or their salts or compounds.

C. S. 6680. **Securing evidence.** That upon affidavit being made that there is reason to believe that the provisions of this act are being violated at any place, or by any person, those officers or persons authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, may and are hereby authorized to issue to any lawful officer of the city or county where such place or person may be a subpœna *capias ad testificandum*, or summons in writing, commanding any person who may have information concerning such violation of the law to appear and give evidence upon oath concerning the same.

EDUCATION AND SCHOOLS

COMPULSORY SCHOOL ATTENDANCE

C. S. 5757*. **Parent or guardian required to keep child in school. Exceptions.** Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in that district in which the child resides shall be in session. The principal, superintendent or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

C. S. 5758. **State Board of Education to make rules and regulations; method of enforcement.** It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: *Provided*, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this act: *Provided, further*, that wherever any district is without adequate building or buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provisions in every district.

C. S. 5759. **Attendance officers; reports; prosecutions.** The State Superintendent of Public Instruction shall prepare such rules of procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and boards of special charter districts have the right to appoint district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in special charter districts having special attendance officers paid out of local funds, said officers shall have full authority to prosecute for violations of this article.

C. S. 5760. **Violation of law; penalty.** Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S. 5761. **Investigation and prosecution by county superintendent and attendance officer.** The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violations of the provisions of this article.

COMPULSORY ATTENDANCE OF INDIGENT CHILDREN

C. S. 5762. **Investigation as to indigency of child.** That if affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents standing *in loco parentis* are unable to send the child to school for the term of a compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a *bona fide* effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county, or in special charter districts to the board of trustees in which the case may arise.

C. S. 5763. **Aid to indigent child.** The county board of education shall in its discretion order aid to be given the family from the operating and equipment fund of the county school budget to an extent not to exceed ten dollars per month for such child during continuance of the compulsory term, and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated, and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

COMPULSORY ATTENDANCE OF DEAF AND BLIND CHILDREN

C. S. 5764. **Deaf and blind children to attend school; age limits; minimum attendance.** Every deaf and every blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or blind for a term of nine months each year between the ages of seven and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of seven and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf as is herein provided: *Provided*, that the board of directors of any school for the deaf or blind may exempt any such child from attendance at any ses-

sion or during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a deaf or blind child shall reach the age of eighteen and is still unable to become self-supporting because of its defects, such a child shall continue in said school until it reaches the age of twenty-one, unless it becomes self-supporting sooner.

C. S. 5765. **Parents, etc., failing to send to school guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any deaf children between the ages of eight and fifteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, (1) that parents, guardians, or custodians may elect two years between the ages of seven and eighteen years that a deaf child or children may remain out of school; and (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his or their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

C. S. 5766. **Parents, etc., failing to send guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any blind child or children between the ages of seven and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: *Provided*, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State school for the blind and the deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

C. S. 5767. **To report defective children.** It shall be the duty of the superintendent to report, through proper legal channels, the names and addresses of parents, guardians, or custodians, of deaf, dumb, blind, and feeble-minded children to the principal of the institution provided for each, and upon the failure of the county superintendent to make such reports, he shall be fined five dollars for each child of the class mentioned above not so reported.

C. S. 5885. Where it shall appear to the satisfaction of the county superintendent of public welfare and the chairman of the board of county commissioners, that the parents of any deaf-mute or blind child are unable to provide said child with clothing and for expenses to and from the institution, or where the child has no living parents or any estate of its own, then the institution shall draw upon the State Auditor for an amount sufficient to clothe him and pay said expenses, and the Auditor, upon the

State Treasurer, who shall pay the same. The Auditor shall charge said amount to the county from which said child came and add it to the tax list of the sheriff of said county and collect the same as other amounts due the State. The amount charged shall in no case exceed forty-five dollars, per year for any pupil, in addition to such amount as may be required to defray all necessary traveling expenses of said "pupil."

SEPARATE SCHOOLS

C. S. 5384*. **Separation of races.** The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians, now living in Robeson, Sampson, and Richmond counties, shall have separate schools for their children.

EMPLOYMENT

CHILD LABOR REGULATIONS

C. S. 5031. **Child Welfare Commission created; duties.** The State Superintendent of Public Instruction, the Secretary of the State Board of Health, and the Commissioner of Public Welfare of the State of North Carolina are hereby constituted the State Child Welfare Commission, and they shall serve without additional compensation. It shall be the duty of this commission to make and formulate such rules and regulations for enforcing and carrying out the provisions of this article, and of the laws relating to seats for women employees, and the laws requiring separate toilets for sexes and races, as in its judgment it shall deem necessary.

C. S. 5032. **Employment of children under fourteen regulated.** No child under the age of fourteen years shall be employed or permitted to work in or about or in connection with any mill, factory, cannery, workshop, or manufacturing establishment. No child under the age of fourteen years shall be employed or be permitted to work in or about or in connection with any laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, boot-black stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, public works, or any form of street trade, except in cases and under regulations prescribed by the commission herein created: *Provided*, the employments in this section enumerated shall not be construed to include *bona fide* boys' and girls' canning clubs recognized by the Agricultural Department of this State, or vocational training classes authorized by the State Board of Education, and such canning clubs and vocational classes are hereby expressly exempted from the provisions of this article.

C. S. 5033. **Prohibited employments of children under sixteen.** No person under sixteen years of age shall be employed or permitted to work in any of the places of occupations referred to in the preceding section for more than eight hours in any one day or forty-eight hours or six days in any one week, or after the hours of seven P. M. or before the hours of

six A. M., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine: *Provided*, this section shall not prevent any child over fourteen years of age working between the hours of six A. M. and seven P. M. in any of said industries, except in a quarry or mine, if the child has completed the fourth grade in school.

C. S. 5034. **Age Certificates.** No child under the age of sixteen years shall be employed in any of the ways enumerated in this act unless at the time of such employment the employer shall in good faith procure, rely upon and place on file a certificate issued in such form and under such conditions and by such persons as the said commission herein provided for shall prescribe, showing that the person is of legal age for such employment, and the laws and rules made by the State Child Welfare Commission under authority of this act have been complied with. The possession of such certificate by an employer shall be *prima facie* evidence that he has complied with the requirements and obligations of this act when employing such child. No person shall knowingly make a false statement or present false evidence in, or in relation to any such certificate, or application therefor, or cause any false statement to be made which may result in the issuance of an improper certificate of employment.

C. S. 5035. **Commission may employ agents.** The commission shall have authority to appoint and employ such agents for the purpose of enforcing the provisions of this article as may be found to be necessary, and they may use the county superintendent of public welfare or chief school attendance officer or truant officer of the several counties for the purpose of carrying out such provisions, and they may use the agents specially designated for carrying out the provisions of this article to aid in carrying out the provisions of the general compulsory school attendance law under subchapter nine (IX) of the chapter on education. And all agents and officials enumerated in this section shall make complete reports of all official acts done in compliance with this chapter on blanks furnished by the State Child Welfare Commission.

C. S. 5036. **Inspection by agents; obstruction unlawful.** For the purpose of securing the proper enforcement of the provisions of this article and of the laws relating to seats for women employees, and the laws requiring separate toilets for sexes and races, the commission, or its duly authorized agents, shall have authority to enter and inspect, at any time, mines, quarries, mills, factories, canneries, workshops, manufacturing establishments, laundries, bakeries, mercantile establishments, offices, hotels, restaurants, barber shops, bootblack stands, public stables, garages, places of amusement, brick yards, lumber yards, and other places of employment; and it shall be unlawful for any person, firm, or corporation to refuse permission to enter, obstruct, or prevent any duly authorized agent of the commission in his effort to make the inspection herein provided for.

C. S. 5038. **Violations of this article and of certain other laws a misdemeanor.** Any person, firm, or corporation violating any of the provisions of this article, or of the laws relating to seats for women employees or of the laws requiring separate toilets for sexes and races, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, within the discretion of the court.

Rulings of the State Child Welfare Commission on the Child Labor Law

The State Child Welfare Commission, in executive session on August 6, 1919, made the following rulings, which have the force of law:

1. No child of any age under sixteen years shall be permitted to work in any of the occupations mentioned in C. S. 5032, before 6 o'clock in the morning or after 9 o'clock at night. This ruling is made mandatory by section 6, and the law gives no discretion to the commission to modify the same.

2. No girl under fourteen years of age shall be permitted to work in any of the occupations mentioned in C. S. 5032. The reason for this is that if the womanhood of the State is to be properly conserved in the future, girls of tender age certainly should not be allowed to run the dangers of association inherent in employment in public places.

3. No child under fourteen years of age shall be employed in any of the occupations mentioned in C. S. 5032, for more than eight hours in any one day.

4. (Revised September 6, 1921). Boys between twelve and fourteen years of age may be employed in the enumerated occupations when the public school is not in session when it is shown to the county superintendent of public welfare or other authorized agent of the commission that the proposed employment is not to the injury of the health or morals of the child. But in no case shall such employment be legal until a certificate has been issued by the county superintendent of public welfare or other authorized agent of the commission on blanks furnished by the State commission. Before determining the question the county superintendent of public welfare or other authorized agent may, if he deem it necessary, require a physical examination of the child by the public health officer or other practicing physician. The employment certificate is to be issued only upon documentary evidence or proof of age as required by the commission.

5. During the time that the public school is in session boys between twelve and fourteen years of age may be employed on Saturday and out of school hours on the same conditions as above, provided that such employment does not interfere with their school work. Where school officials have provided for what is known as continuation schools, and where arrangement has been made to make the outside employment a unit of the school work, boys of this age may be, in specific cases, allowed to be occupied in employment during school hours for a limited time, at the discretion of the superintendent of the school.

The State Child Welfare Commission, in executive session on September 6, 1921, made the following rulings, which have the force of law:

6. . . . No child, claiming to be fourteen or sixteen years of age, but whose actual age is doubtful, shall be permitted to work in any of the occupations mentioned in C. S. 5032 and C. S. 5033 until an Age Certificate has been issued by the superintendent of public welfare or other authorized agent of the commission in accordance with the provisions of section 10 of this act. The design of this section being to insure the proper enforcement of the compulsory school law, to prevent the employment of any person contrary to the law, and to free the employer from liability

under this act. An Age Certificate to be issued only upon documentary evidence or proof of age as required by the commission.

7. . . . On and after March 1, 1922, the superintendent of public welfare and other authorized agents of the commission shall require a school record of evidence for any child under sixteen years of age who makes application to engage in employment in any of the occupations mentioned in C. S. 5032 and C. S. 5033 before issuing either an Employment Certificate or Age Certificate. The school record to be prepared by school official or teacher in accordance with the approved school code for children and the accredited record system for schools approved by the Department of Education.

8. . . . On and after March 1, 1922, the superintendent of public welfare and other authorized agents of the commission shall require a physical examination by a health officer or practicing physician, upon forms approved by the commission, of any child under sixteen years of age, who makes application for employment, except in cases where the child has received physical examination by a medical officer of the State Bureau of Medical Inspection of Schools.

9. . . . The superintendent of public welfare is specially designated and commissioned as the authorized agent of the State Child Welfare Commission in the several counties to assist in enforcing and carrying out the provisions of child labor law and other acts relative to business and industry. In this position equal care is required to supervise and direct those employed and to correct any influence that would injure the welfare of any person or contribute to truancy or delinquency of any child.

10. . . . The superintendent of public welfare and other authorized agents of the commission shall suspend any certificate for employment when a condition is found that will injure the health or morals of a child pending the action of the commission, or revoke any certificate issued on false evidence.

EMPLOYMENTS NOT PROHIBITED

It is to be noted that the law does not prohibit the employment of children in occupations other than those enumerated in C. S. 5032 and C. S. 5033, such as farming and domestic employment. It is assumed, also, that it does not affect children who are kept by their parents under their direct personal control in or about places owned and operated by the parents themselves, except in prohibited hours. The reason for this is that parents are supposed to control and care for their own children wherever they may be with them.

GENERAL PURPOSES

The commission feels that it should call the attention of parents, public officers, ministers, educators, social workers and thinkers, and the public generally to the fact that the Legislature intended this act to be a measure for child welfare, and to solicit the aid and cooperation of all in securing the beneficient purpose intended. To this end it is necessary to make every possible effort to provide wholesome conditions of environment for children while not in school or employed. Such environment must depend upon better home influences, more parental thought and care, and more public cooperation in the way of playgrounds and other wholesome recreation. It is still true that an "idle brain is the devil's workshop," and

juvenile delinquency arises in nearly all cases from idleness or lack of proper direction of youthful energy.

DUTIES OF THE SUPERINTENDENT OF PUBLIC WELFARE AS AUTHORIZED AGENT OF THE STATE CHILD WELFARE COMMISSION

To act as the commissioned agent of the State Child Welfare Commission, and assist in enforcing the child labor law and other acts relative to business and industry.

To supervise and direct the child in employment.

To issue certificate for employment and to establish age.

To investigate and make detailed inspection of places prescribed in the law.

To exercise the necessary authority in correcting violations discovered.

To record and report the duties performed as required by rules of the commission.

C. S. 4446. **Failing to pay minors for doing certain work.** Whenever any person, having a contract with any corporation, company, or person for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall willfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

See Biennial Report of Attorney General—1924-1926—*Pages* 294-298.
See Biennial Report of Attorney General—1918-1920—*Page* 149.

SEATS FOR WOMEN

C. S. 6555. **Seats for women employees; failure to provide a misdemeanor.** All persons, firms, or corporations who employ females in a store, shop, office, or manufacturing establishment, as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests, or stools as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such seats, stools, or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

If any employer of female help in the State of North Carolina shall fail, neglect, or refuse to provide seats, as provided in this article, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders, or regulations in his or its shop, store, or other place of business requiring females to remain standing when not necessarily employed or engaged in services or labor therein, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

SEPARATE TOILETS FOR SEXES AND RACES

C. S. 6559. **When separate toilets required.** All persons and corporations employing males and females in any manufacturing industry, or

other business employing more than two males and females in towns and cities having a population of one thousand persons or more, and where such employees are required to do indoor work chiefly, shall provide and keep in a cleanly condition separate and distinct toilet rooms for such employees, said toilets to be lettered and marked in a distinct manner, so as to separate the white and colored males and females of both sexes: *Provided*, that the provisions of this section shall not apply to cases where toilet arrangements or facilities are furnished by said employer off the premises occupied by him.

C. S. 6560. **Location; intruding on toilets misdemeanor.** It shall be the duty of the persons or corporations mentioned under this article to locate their toilets for males and females, white and colored, in separate parts of their buildings or grounds, in buildings hereafter erected, and in those now erected all closets shall be separated by substantial walls of brick or timber, and any employee who shall willfully intrude or use any toilet not intended for his or her sex or color shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars.

C. S. 6561. **Failure to provide toilets a misdemeanor.** Any person or corporation refusing to comply with the provisions of the second preceding section shall be guilty of a misdemeanor, and upon conviction fined five dollars for the first offense and five dollars for each day they shall fail to make the provisions required under this article.

See Biennial Report of Attorney General—1924-1926—*Page* 297.

SIXTY HOUR WEEK

C. S. 6554. **Week's work to be sixty hours.** Sixty hours shall constitute a week's work in all factories and manufacturing establishments of the State, and no minor nor woman shall be worked in such factory or establishment a longer period than sixty hours in one week and no adult male shall be worked in such factory or establishment for a longer period than sixty hours in one week unless there shall be a written contract entered into between said adult male and his employer to that effect in which the employer shall agree to pay said adult male extra compensation for extra hours he may work. No employee in any factory or manufacturing establishment in this State shall be worked exceeding eleven hours in any one day: *Provided*, this section shall not apply to engineers, firemen, superintendents, overseers, section and yard hands, office men, watchmen, or repairers of breakdowns.

See Biennial Report of Attorney General—1924-1926—*Pages* 298-299.

HEALTH

REGULATIONS FOR HEALTH OF CHILDREN

Births and deaths must be registered, and North Carolina is now in the Federal Registration Area.

Every midwife or practicing physician must immediately instill into the eyes of the new-born babe a solution furnished by the State Board of Health to prevent blindness. And any unnatural condition of the eyes of a child under two weeks old must be immediately reported to proper medical authorities.

Control of all infectious or contagious diseases is in the hands of the

State Board of Health. Vaccination against smallpox and other contagious diseases may be required for all school children by local board of health.

It is unlawful to sell or give cigarettes, or tobacco for cigarettes, to any child under seventeen, and every police officer is specially charged with seeing that this act is enforced.

The State Board of Health and the State Superintendent of Public Instruction are charged with the duty of seeing that every child attending public school in the State shall have a physical examination at least once in three years.

Teachers are required to make a physical examination of every child attending the school and enter on cards and official forms furnished by the State Board of Health for such examination. The teacher shall transmit these cards and other forms to the State Board of Health. The board of health shall have these cards filed, classified, and studied, and shall notify the parent or guardian of every child whose card shows a serious defect, and a day shall be designated for a thorough examination of the child. In the counties the county commissioners shall pay to the State Board of Health ten dollars per hundred children enrolled to pay for treatment, and the cities or towns with separate school systems to be paid by the city commissioners, aldermen, etc. A special appropriation is set aside out of the educational fund for free dental treatment. The State Board of Health is conducting dental clinics in the schools of the several counties as rapidly as possible. Dentists examine all school children in such counties and provide for treatment.

While all matters pertaining to health are under the direct supervision of the State and local departments of health, the whole question of health is so closely related to welfare that there must be the closest co-operation between local officials of the two departments. Occasionally, as in cases of neglect, a case becomes primarily a problem of welfare.

Crippled Children—North Carolina Orthopedic Hospital

Crippled and deformed children of sound mind, under sixteen years of age, may be admitted to the orthopedic hospital. Arrangements for the examination and treatment, outside the institution, of older children and adults may be arranged by appointment with the surgeon-in-chief. Clinics for outside patients are held every Tuesday afternoon at two o'clock. In the case of children admitted to the hospital, the parents, or guardian, are expected to bear the expense of treatment, or such part of it as they are able. No child is turned away because its parents are unable to pay. The institution, in no case, pays for transportation, or for braces in cases where these are necessary. Application for admission to the hospital should be made on blanks furnished by the institution.

Indigent Tuberculous

C. S. 7179. **Indigent tuberculous to be treated at State sanatorium.** Any city or town in the State of North Carolina, through its board of aldermen, town council, or other governing body, and any county in the State, through its board of commissioners, is hereby authorized and empowered to provide for the treatment of any tubercular person or persons resident in and who is a bona fide citizen of said city, town, or county, at the North Carolina Sanatorium for the treatment of tuberculosis, and pay

therefor to the North Carolina Sanatorium for the treatment of tuberculosis an amount which shall not be more than one dollar per day per patient.

SURGICAL OPERATIONS ON INMATES OF STATE INSTITUTIONS

C. S. 7221. **Operations for improvement of mental, moral, or physical condition.** The medical staff of any penal or charitable hospital or institution of the State of North Carolina is hereby permitted and instructed to have any surgical operation performed by competent and skillful surgeons upon any inmate of any such penal or charitable hospital or institution when, in the judgment of the board hereinafter created in the next succeeding section, such operation would be for the improvement of the mental, moral, or physical condition of such inmate of any such institution: *Provided*, such operation shall not be performed until same shall have been affirmed by the Governor and the secretary of the State Board of Health.

C. S. 7222. **Board of consultation for carrying out provisions of this article.** At least one representative of the medical staff of the several charitable and penal institutions of the State, and one from the State Board of Health, such representatives to be designated by the governing bodies of the several institutions, shall constitute a board of consultation for the carrying out of the provisions of this article. Such board shall cause a permanent record to be kept by one of its members, designated as secretary, of all its actions and judgments, taken at a meeting held only after due notice has been issued to all its members.

VENEREAL DISEASE

C. S. 7191. **Venereal infection.** That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for any one infected with these diseases or any of them to expose another person to infection.

C. S. 7192. **Reporting cases.** Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the North Carolina State Board of Health shall direct.

C. S. 7193. **Investigations and examinations.** State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to co-operate with the proper officials whose duty it is to enforce

laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

C. S. 7194. **Prisoners treated.** All persons who shall be confined or imprisoned in any State, county or city prison in the State, shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 7193, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the North Carolina State Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 7193. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

C. S. 7195. **Board of Health may make rules.** The North Carolina State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 7193, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

C. S. 7196. **Expenses authorized.** The North Carolina State Board of Health, through its officers, are hereby empowered and authorized to incur such expenses in the examination, detention, quarantine and treatment of persons suspected of having, or having had venereal disease, as in their judgment is necessary.

C. S. 7197. **Payment of expenses.** The North Carolina State Board of Health shall submit to the county commissioners of the county in which persons suspected of having, or having had venereal diseases, are suspected of having spread the disease, an itemized statement of expenses incurred in the examination, detention, quarantine, or treatment of such persons, and the county commissioners shall, within thirty days after the receipt of such statement of expenses, pay to the treasurer of the North Carolina State Board of Health a sum equal to that expended.

C. S. 7198. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the North Carolina State Board of Health pursuant to the authority herein

granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five ($25) dollars, nor more than fifty ($50) dollars, or by imprisonment for not more than thirty days.

C. S. 7199. **Treatment except by physician unlawful.** That it shall be unlawful for any person except a regularly licensed physician to prescribe or give away any medicine for the treatment of any person afflicted with any venereal disease.

C. S. 7200. **Reports by druggists.** That any druggist or other person who sells at retail any patented, proprietary, or trade-mark remedy or alleged remedy advertised or recommended or sold for or used in the treatment of venereal diseases (gonorrhea, syphilis, or chancroid) or lost manhood, impotency, or sterility, or medicinal preparations containing the oils of cubebs, copaiba, sandalwood, or the oils themselves, iodides of mercury, or preparations compounded for urethral injections, shall report weekly, on forms and in accordance with instructions supplied by the North Carolina State Board of Health, the sale of such remedies, or alleged remedies, to the Bureau of Venereal Diseases of the North Carolina State Board of Health.

C. S. 7201. **Obtaining prescription under false pretenses a misdemeanor.** Any person who in obtaining a prescription from a physician under section 7199 of this act, or in obtaining drugs or remedies mentioned in section 7200 of this act, gives a false or assumed name or address, shall be guilty of a misdemeanor and subject to the penalties imposed in section 7206 of this act.

C. S. 7204. **Druggists to keep records of prescriptions.** Any and all prescriptions for venereal diseases (gonorrhea, syphilis, or chancroid) or impotency, sterility, or lost manhood, or prescriptions containing the drugs, remedies, or alleged remedies mentioned in section 7200 of this act, shall be kept by a druggist on a separate file and shall be subject at any reasonable hour to inspection by an officer of the North Carolina State Board of Health.

C. S. 7205. **Purchaser of remedies may be examined.** The State health officer or his deputy or agent may require any purchaser of remedies or alleged remedies designated in section 7200 of this act and who may be reasonably supposed to be infected with a venereal disease, to appear before a regularly licensed physician, quarantine officer or agent, for examination for the said disease.

C. S. 7206. **Violation a misdemeanor.** Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned for not exceeding thirty days.

ILLEGITIMACY

BASTARDY

C. S. 265. **Justices have jurisdiction; when warrant issued.** Justices of the peace of the several counties have exclusive original jurisdiction to issue, try and determine all proceedings in cases of bastardy in their respective counties. A warrant in bastardy shall be issued only upon the voluntary affidavit and complaint of the mother of the bastard; or, upon the affidavit of one of the county commissioners, setting forth the fact that the bastard is likely to become a county charge.

C. S. 266. **Complaint as to bastard by county commissioner.** When complaint is made on affidavit by a county commissioner to a justice of the peace of the county in which the woman resides, that any single woman within his county is big with child, or delivered of a child, the justice may cause her to be brought before him, or any other justice of the county, to be examined upon oath respecting the father. If she refuses to declare the father, she shall pay a fine of five dollars and give bond, payable to the State, with sufficient surety to keep such child from being chargeable to the county; otherwise, she shall be committed to prison until she shall declare the same, or pay the fine aforesaid and give such bond.

C. S. 267. **Woman declaring father; issue of paternity; appeal.** If any woman, upon oath, accuses any man of being the father of her bastard child, the justice before whom such oath is made shall cause him to be brought before some justice of the peace of such county to answer the charge. If he denies, upon oath, that he is the father of such child, the justice shall proceed to try the issue of paternity, and if it is found that he is the father of the child, or if he does not deny upon oath, that he is the father of the child, then he shall stand charged with the maintenance thereof, as the court may order, and shall give bond, with sufficient surety, payable to the State, to perform said order, and to indemnify the county where such child is born from charges for his maintenance, and may be committed to prison until he finds surety for the same, and shall be liable for the costs of the issue or proceeding. From this judgment and finding the affiant, the woman or the defendant may appeal to the next term of the Superior Court of the county, where the trial is to be had *de novo*.

C. S. 268. **Judgment on appeal to Superior Court against putative father.** If the jury at the term finds that the person accused is the father of the child, then the judge shall make the order for the maintenance and for costs of proceedings, and shall take bond from the defendant and his sureties for the maintenance of the child and to indemnify the county and pay the costs; and, in default thereof, may imprison the defendant.

C. S. 269. **Woman's examination presumptive evidence.** Upon the trial of the issue of paternity, whether before the justice or at term, the examination of the woman taken and returned shall be presumptive evidence against the person accused, subject to be rebutted by other evidence which may be introduced by the defendant.

C. S. 270. **Upon appeal parties and witnesses recognized.** When an appeal is taken the justice shall recognize the person accused of being the father of the child with sufficient surety for his appearance at the next

term of the Superior Court for the county, and to abide by and perform the order of the court. The justice shall also recognize the woman and other witnesses to appear at the Superior Court, and shall return to the court the original papers in the proceeding, and a transcript of his proceedings as required in other cases of appeal. If the putative father fails to appear, unless for good cause shown, the judge shall direct the issue of paternity to be tried. If the issue is found against the person accused, he shall order a *capias* or attachment to be issued for the father, and may also enter up judgment against the father and his surety on his recognizance.

C. S. 271. **Putative father out of county.** If the putative father escapes or is in any other county than that of the justice issuing the warrant, it shall be issued, indorsed, executed and returned as provided for warrants in criminal actions.

C. S. 272. **Continuance till birth of child.** When the judge or justice, as the case may be, trying the issue of paternity, deems it proper, he may continue the case until the woman is delivered of the child. When a continuance is granted, the court shall recognize the person accused of being the father of the child with surety for his appearance either at the next term of the court or at a time to be fixed by the justice granting the continuance, which shall be after the delivery of the woman.

C. S. 273*. **Allowance and bond.** When the issue of paternity is found against the putative father, or when he admits the paternity, the judge or justice shall make an allowance to the woman not exceeding the sum of two hundred dollars, to be paid in such installments as the judge or justice shall see fit, and he shall give bond to indemnify the county as prescribed by law; and in default of such payments he shall be committed to prison.

C. S. 274. **Action barred in three years after birth.** All examinations upon oath to charge any man with being the father of a bastard child shall be taken within three years next after the birth of the child, and not after.

C. S. 275. **Execution for maintenance.** When the judge or justice charges the father of a bastard child with its maintenance and the father neglects to pay the same, then the judge or justice, upon application of the party aggrieved, notice being served on the defendant at least ten days before the return day stated in the notice, or such notice being returned by the sheriff or constable that the defendant is not to be found, may order an execution against the property of the father for such sum as the court shall adjudge sufficient for the maintenance of the bastard child.

C. S. 276. **Putative father when committed or apprenticed.** In all cases arising under this chapter, when the putative father is charged with costs or the payment of money for the support of a bastard child, and he is, by law, subject to be committed to prison in default of paying the same, it is competent for the court to sentence him to the house of correction for such time not exceeding twelve months, as the court may deem proper. The putative father, at his discretion, instead of being committed to prison or to the house of correction, may bind himself as an apprentice to any person whom he may select, for such time and at such price as the court may direct. The binding shall be by indenture in open court, and the price obtained shall be paid to the county treasurer. On the indenture being

signed by the judge of the court and by the master receiving such apprentice, the person thus bound shall be treated and regarded as an apprentice in all matters except education.

C. S. 277. **Legitimation of bastards.** The putative father of any illegitimate child may apply by petition in writing to the Superior Court of the county in which he resides, praying that such child may be declared legitimate; and if it appears that the petitioner is reputed the father of the child, the court may thereupon declare and pronounce the child legitimated; and the clerk shall record the decree.

C. S. 278. **Effects of legitimation.** The effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child to inherit from the father only his real estate, and also to entitle such child to the personal estate of his father, in the same manner as if he had been born in lawful wedlock. In case of death and intestacy, the real and personal estate of such child shall be transmitted and distributed according to the statute of descents and distribution among those who would be his heirs and next of kin in case he had been born in lawful wedlock.

C. S. 279. **Legitimation by subsequent marriage.** When the mother of any bastard child and the reputed father of such child shall intermarry or shall have intermarried at any time after the birth of such child, the child shall in all respects, after such intermarriage, be deemed and held to be legitimate and entitled to all the rights in and to the estate, real and personal, of its father and mother that it would have had had it been born in lawful wedlock.

Supreme Court decisions—*Bastardy is a civil action, in the nature of police regulations*: *State v. Currie*, 161-275. *The intention of proceedings in bastardy is to secure to the mother her probable expense or to reimburse her actual outlay, even though the child die at birth*: *State v. Addington*, 143-683; *and if the child live, to indemnify the county against loss*: *State v. Brown*, 46-130. *Resemblance of child and accused competent evidence*: *State v. Horton*, 100-443.

See Biennial Report of Attorney General—1924-1926—*Pages* 282, 283.

INCEST

C. S. 4337. **Incest between certain near relatives.** In all cases of carnal intercourse between grandparent and grandchild, parent and child, and brother and sister of the half or whole blood, the parties shall be guilty of a felony, and shall be punished for every such offense by imprisonment in the State's Prison for a term not exceeding fifteen years, in the discretion of the court.

INSTITUTIONS FOR CHILDREN—ORPHANAGES

C. S. 5063. **Institution has authority of parent or guardian.** Every indigent child which may be placed in any orphanage, children's home, or child-placing institution in this State, which shall be an institution existing under and by virtue of the laws of this State, shall be under the control of the authorities of such institution so long as, under the rules and regu-

lations of such institution, the child is entitled to remain in the same. The authority of the institution shall be the same as that of a parent or guardian before the child was placed in the institution; but such authority shall extend only to the person of the child.

C. S. 5064. **Regulations of institution not abrogated.** Nothing in this article shall be construed in any way to abrogate any of the rules and regulations of such institutions in so far as the rules and regulations have for their purpose the welfare and protection of the institutions.

C. S. 5065. **Enticing a child from institution.** It is unlawful for any person to entice or attempt to entice, persuade, harbor, or conceal, or in any manner induce any indigent child to leave any of the institutions hereinbefore mentioned without the knowledge or consent of the authorities of such institutions. But this article shall not interfere with a mother's right to her child in case she becomes able to sustain her child; and the county commissioners in the county in which she resides shall, in case of doubt, have authority to recommend to the institution concerning the child.

C. S. 5066. **Violation a misdemeanor.** Any person violating any of the provisions of the three preceding sections shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

C. S. 5067. **Institutions for care of children must have license.** It shall be unlawful for any person, institution, or organization for the purpose of caring for or placing children to carry on such work or business without having in full force a written license therefor from the State Board of Charities and Public Welfare.

C. S. 5604. **Children in orphanages permitted to attend public schools; expenses.** Children living in and cared for and supported by any institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of said district in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of said district, and the extra expenses of teaching said children for six months in the public school or schools of said district may be borne as follows:

Three-fourths of the extra expense for a term of six months of every year, as a result of the attendance of said children, may be paid out of the State equalizing fund and one-fourth out of the county fund, unless otherwise provided.

Provided further, that the provisions of this section shall be permissive only, and shall not be mandatory.

COUNTY ORPHANAGES

C. S. 1297. **Powers of board.** The boards of commissioners of the several counties have power—

(29)* **To establish public hospitals and tuberculosis dispensaries.** To establish public hospitals, establish and maintain homes for indigent orphan children, for the county in cases of necessity, and to

establish and maintain wholly or in part one or more tuberculosis dispensaries or sanatoria, and to make rules, regulations and by-laws for preventing the spread of contagious and infectious diseases, and for taking care of those afflicted thereby, the same not being inconsistent with the laws of the State; and to raise by taxation the necessary moneys to defray the charges and expenses so incurred.

DISTRICT ORPHANAGES

(CHAPTER 248)

TO AMEND SECTION 1297 OF CONSOLIDATED STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY AND DISTRICT HOMES FOR INDIGENT AND DELINQUENT CHILDREN.

SECTION 1. That section one thousand two hundred and ninety-seven, Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end thereof as subsection number forty-three the following:

(43). To provide for the establishment and maintenance, with the approval of the State Board of Charities and Public Welfare, of such home or homes for indigent and delinquent children in said county, as to them may seem proper or necessary, or to co-operate with the board of county commissioners or other governing authority in any other county or counties in the establishment and maintenance, at some mutually agreeable point, of a district home for such purposes, said district to be established upon agreement and said home to be established and maintained upon such terms as may be agreed upon by the boards of county commissioners of the several counties concerned.

(CHAPTER 162, PUBLIC LAWS 1927)

AN ACT RELATING TO THE ORGANIZATION AND CONTROL OF THE COLORED ORPHANAGE OF NORTH CAROLINA.

Whereas, by chapter forty-seven, Private Laws of one thousand eight hundred and eighty-seven, the colored Orphan Asylum of North Carolina was created a body corporate under and by which an orphanage for the care and maintenance and the mental, moral, and industrial education and training of colored orphan children was established at Oxford, in Granville County; and

Whereas, the General Assembly has heretofore made appropriations to said institution and such appropriations have increased from year to year; and

Whereas, it is desired that the charter of said corporation be amended so that it may more readily conform to the desires of the General Assembly, with respect to the expenditure of the funds appropriated by it to said institution; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the corporation created by chapter forty-seven, Private Laws of one thousand eight hundred and eighty-seven, be, and it is hereby, continued as a body corporate for a period of sixty years from the date of the ratification of this act under the name and style of "The Colored Orphanage of North Carolina." The said corporation shall have power to receive, purchase, and hold property, real and personal, not to exceed in value one million dollars, to sue and be sued, to plead and to be impleaded, to receive gifts, donations and appropriations, to contract and be contracted

with, and to do all other acts usual and necessary in the conduct of such corporation, and to carry out the intent and purposes thereof under and as subscribed by the laws of North Carolina.

SEC. 2. That M. F. Thornton, Reverend M. C. Ransom, J. W. Levy, J. C. Jeffreys, J. E. Shepard, N. A. Cheek, and Alex Peace and Reverend G. C. Shaw are hereby named and appointed as members of the Board of Directors of said "The Colored Orphanage of North Carolina." The Governor of North Carolina shall appoint five white citizens of Granville County as members of said Board of Directors, and the thirteen so named shall constitute the Board of Directors of said corporation. Said Board of Directors shall organize by the election of a president and secretary, shall make all necessary by-laws and regulations for the convenient and efficient management and control of the affairs of said corporation, including the method by which successors to the directors herein named shall be chosen.

SEC. 3. That the five members of said Board of Directors to be appointed by the Governor shall also serve as a Board of Trustees of said "The Colored Orphanage of North Carolina." The said Board of Trustees so appointed shall serve for a term of four years and until their successors are chosen. All appropriations made by the General Assembly to the said "The Colored Orphanage of North Carolina" shall be under the control of the Board of Trustees, and said appropriations shall be expended under their supervision and direction. The Board of Trustees shall select one of their members as a treasurer of the fund appropriated to the institution by the General Assembly, and also not more than two persons to act as a board to audit the expenditure of such appropriations. The treasurer shall receive a salary of one hundred dollars per year for his services and members of the Board of Audit a salary not to exceed one hundred and fifty dollars per year. The treasurer shall give a bond payable to the State of North Carolina in a surety company in such sum as the Board of Trustees may require, the annual premium to be paid out of the funds of the said orphanage.

SEC. 4. That the said corporation shall receive, train and care for such colored orphan children of the State of North Carolina as under the rules and regulations of said corporation may be deemed practical and expedient, and impart to them such mental, moral and industrial education as may fit them for usefulness in life.

SEC. 5. That the said corporation shall have power to secure the control of such orphans by the written consent of those nearest akin to them or of those having control of such orphans and shall receive such others as may be committed to its care under the appropriate laws of the State; and it shall be unlawful for any person or persons to interfere in any way with said corporation in the management of such orphans after they shall have been entered and received by it. The Board of Directors shall make all necessary rules and regulations for the reception and discharge of children from said orphanage.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in force and effect from and after its ratification.

JUVENILE COURTS

C. S. 5039. **Exclusive original jurisdiction over children.** The Superior Courts shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in or being at this time within their respective districts—

(1) Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or

(2) Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be, and for permitting which an adult may be punished by law, or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child; or

(3) Who is dependent upon public support or who is destitute, homeless or abandoned, or whose custody is subject to controversy.

When jurisdiction has been obtained in the case of any child, unless a court order shall be issued to the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this act during the minority of the child. The duty shall be constant upon the court to give each child subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of such child and to the best interest of the State.

C. S. 5040. **Juvenile courts created; part of Superior Courts.** There shall be established in each county of the State a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of this article. Such part of the Superior Court shall be called The Juvenile Court of_____County.

The clerk of the Superior Court of each county in the State shall act as judge of the juvenile court in the hearing of cases coming within the provisions of this article, in which cases the child or children concerned therein reside in or are at the time within such county. Proceedings in such cases may be initiated before such judge, and in hearing such cases such judge shall comply with all the requirements and conform to the procedure provided in this article. *Provided*, that in counties, where the county seat is a city containing twenty-five thousand inhabitants, or more, the board of commissioners of such counties shall have the right in their discretion to co-operate with the governing body of such city in the election of a judge of a juvenile court provided for in section 5062 which judge when so elected shall perform all the duties, and possess all the powers and jurisdiction conferred by this article upon the clerk of Superior Court, as well as that conferred upon the judge of the juvenile court of such cities by this article such judge to be so elected by the joint action of the governing bodies of such city and county shall hold office for the term of one year, and until his successor shall be duly elected, and the county availing itself of the provisions of this section shall pay said judge for services rendered the county, (outside of city) such sum as the county commissioners of said county shall deem just and proper.

See Biennial Report of Attorney General—1923-1924—*Pages* 239, 240, 242, 243-246, 254.

See Biennial Report of Attorney General—1918-1920—*Pages* 146-149.

See Biennial Report of Attorney General—1921-1922—*Pages* 184, 188, 189.

C. S. 5041. **Definitions of terms.** The term "court," when used in this article without modification, shall refer to the juvenile court to be established in each county as herein provided. The term "judge," when used in this article, shall refer to the clerk of the Superior Court, acting as judge of the juvenile court. The term "child" shall mean any minor less than sixteen years of age. The term "adult" shall mean any person sixteen years of age or over.

C. S. 5042. **Sessions of court; records; general provisions.** Sessions of the court shall be held at such times and in such places within the county as the judge shall from time to time determine. In the hearing of any case coming within the provisions of this article the general public may be excluded and only such persons admitted thereto as have direct interest in the case. Sessions of the court shall not be held in conjunction with any other business of the Superior Court, and children's cases shall not be heard at the same time as those against adults.

The court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication under the provisions of this article shall operate as a disqualification of any child for any public office, and no child shall be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

This article shall be construed liberally and as remedial in character. The powers hereby conferred are intended to be general and for the purpose of affecting the beneficial purposes herein set forth. It is the intention of this article that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case.

C. S. 5043. **Petition to bring child before court.** Any person having knowledge or information that a child is within the provisions of this article and subject to the jurisdiction of the court, may file with the court a petition verified by affidavit, stating the alleged facts which bring such child within such provisions. The petition shall set forth the name and residence of the child and of the parents, or the name and residence of the person having the guardianship, custody, or supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

C. S. 5044. **Issuance of summons; traveling expenses allowed.** Upon the filing of the petition or upon the taking of a child into custody, the court may forthwith, or after an investigation by a probation officer or other person, cause to be issued a summons signed by the judge or the clerk of the court directed to the child, unless such child has been taken into custody, and to the parents or, in case there is no parent, to the person having the guardianship, custody, or supervision of the child, or the person with whom the child may be, requiring them to appear with the

child at the place and time stated in the summons to show cause why the child should not be dealt with according to the provisions of this article.

The judge may, in his discretion, authorize the payment of necessary traveling expenses incurred by any witness or persons summoned or otherwise required to appear at the hearing of any case coming within the provisions of this article. Such expenses, when approved by the judge of the Superior Court, shall be a charge upon the county in which the petition is filed.

C. S. 5045. **Custody of child may be immediate.** If it appears from the petition that the child is embraced within subdivision one of the first section of this article, or is in such condition or surroundings that the welfare of the child requires that its custody be immediately assumed, the court may endorse or cause to be endorsed upon the summons a direction that the officer serving the same shall at once take such child into custody.

In the case of any child who has been taken into custody or pending the final disposition of any case, the child may be released in the custody of a parent or other person having charge of the child or in the custody of a probation officer or other person appointed by the court, to be brought before the court at the time designated. Any child embraced in this article may be admitted to bail as provided by law. When not released as herein provided such child, pending the hearing of the case, shall be detained in such place of detention as hereinafter provided for.

C. S. 5046. **Service of summons.** Service of summons shall be made personally by reading to and leaving with the persons summoned a true copy thereof: *Provided*, that if the court is satisfied that reasonable but unsuccessful effort has been made to serve the summons personally upon any of the parties named therein, or if it shall appear to the satisfaction of the court that it is impracticable to serve a summons personally upon any of them, the court may make an order providing for service of the summons by registered mail or by publication or otherwise in such manner as the judge shall determine. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested by the child or a parent, or in case there is no parent, by the person having the guardianship, custody or supervision of the child, shall not proceed with the hearing earlier than three days after the service. Failure to serve a summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arisng under subdivision one of the first section of this article, provided that for good cause shown the court shall have made an order dispensing with such service.

If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as for contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued on the order of the court either against the parent or guardian or other

person having custody of the child or with whom the child may be, or against the child himself.

The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed by the court, but the papers may be served by any person delegated by the court for that purpose.

C. S. 5047. **Hearing; disposition of child.** Upon the return of the summons or other process or after any child has been taken into custody, at the time set for the hearing, the court shall proceed to hear and determine the case in a summary manner. The court may adjourn the hearing from time to time and inquire into the habits, surroundings, conditions, and tendencies of the child so as to enable the court to render such order or judgment as shall best conserve the welfare of the child and carry out the objects of this act. In all cases the nature of the proceedings shall be explained to the child and to the parents or the guardian or person having the custody or the supervision of the child. At any stage of the case the court may, in its discretion, appoint any suitable person to be the guardian *ad litem* of the child for the purposes of the proceeding.

The court, if satisfied that the child is in need of the care, protection, or discipline of the State, may so adjudicate and may find the child to be delinquent, neglected, or in need of more suitable guardianship. Thereupon the court may

1. Place the child on probation subject to the conditions provided hereinafter; or

2. Commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court, to the supervision of a probation officer and the further orders of the court; or

3. Commit the child to the custody of the State Board of Charities and Public Welfare, to be placed by such board in a suitable family home and supervise therein; or

4. Commit the child to a suitable institution maintained by the State or any subdivision thereof, or to any suitable private institution, society or association incorporated under the laws of the State and approved by the State Board of Charities and Public Welfare, authorized to care for children or to place them in suitable family homes; or

5. Render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

6. If a child of fourteen years of age be charged with a felony for which the punishment as now fixed by law cannot be more than ten years in prison, his case shall be investigated by the probation officer and the judge of the juvenile court as provided for in this article, unless it appears to the judge of the juvenile court that the case should be brought to the attention of the judge of the Superior Court, in which case the child shall be held in custody or bound to the next term of the Superior Court as now provided by law.

See Biennial Report of Attorney General—1924-1926—*Pages* 345, 346.

C. S. 5048. **Child to be kept apart from adult criminals; detention home.** No child coming within the provisions of this act shall be placed in any penal institution, jail, lockup, or other place where such child can come into contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a

detention home to be conducted as an agency of the court for the purposes of this article, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home.

In case a detention home is established as an agency of the court it shall be furnished and carried on so far as possible as a family home in charge of a superintendent or matron who shall reside therein. The judge of the juvenile court may, with the approval of the State Board of Charities and Public Welfare, appoint a matron or superintendent, or both, and other necessary employees for such home in the same manner as probation officers are appointed under this article, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The necessary expenses incurred in maintaining such detention home shall be a public charge.

In case the judge shall arrange for the boarding of children temporarily detained in private homes, a reasonable sum for the board of such children while temporarily detained in such homes shall be paid by the county in which such child shall reside or may be found.

In case the judge shall arrange with any incorporated institution, society or association for the use of a detention home maintained by such institution, society or association, he shall enter an order which shall be effectual for that purpose and a reasonable sum shall be appropriated by the county commissioners for the compensation of such institution, society or association for the care of children residing or found within the county who may be detained therein.

C. S. 5049. **Probation officers; appointment and discharge; compensation.** The judge of the juvenile court in each county shall appoint one or more suitable persons as probation officers who shall serve under his direction. The appointment of such probation officers shall be approved by the State Board of Charities and Public Welfare.

The county superintendent of public welfare shall be the chief probation officer of every juvenile court in his county, and shall have supervision over the work of any additional probation officer which may be appointed.

The judge appointing any probation officer may discharge such officer for cause after serving such officer with a written notice, but no probation officer shall be discharged without the approval of the State Board of Charities and Public Welfare.

The judge appointing any probation officer may, in his discretion, determine that a suitable salary be paid, and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determined and so approved shall be paid by the board of county commissioners, but no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Charities and Public Welfare.

The State Board of Charities and Public Welfare shall establish rules and regulations pursuant to which appointments under this article shall be made, to the end that such appointment shall be based upon merit only.

The appointment of a probation officer shall be in writing and one copy of the order of appointment shall be delivered to the officer so appointed and another filed in the office of the State Board of Charities and Public Welfare.

C. S. 5050. **Probation; conditions; revocation.** When the court places any child or adult on probation as provided in this article it shall determine the conditions of probation, which may be modified by the court at any time. A child shall remain on probation for such period as the court shall determine during the minority of such child. An adult shall remain on probation for such period as the court shall determine, not to exceed five years. The conditions of probation shall be such as the court shall prescribe, and may include, among other conditions, any or several of the following: That the probationer shall indulge in no unlawful or injurious habits; shall avoid places or persons of disreputable or harmful character; shall report to the probation officer as directed by the court or probation officer; shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; shall answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; shall, if a child of compulsory school age, attend school regularly; shall, if an adult or a child who does not attend school, work faithfully at suitable employment; shall remain or reside within a specified place or locality; shall pay a fine in one or several sums; shall make restitution or reparation to the aggrieved parties for actual damages or losses caused by an offense, upon such conditions as the court shall determine; and shall make payment for the support of any lawful dependents as required by the court.

Any person on probation may at any time be required to appear before the court, and in case of his failure to do so when properly notified by the probation officer, the court may issue a warrant for his arrest. In the case of a child on probation, if the court believes that the welfare of such child will thereby be promoted, the probation may be revoked at any time, and the court may make such other disposition of the child as it might have made at the time the child was placed on probation. An adult on probation who violates any of the conditions thereof may be arrested upon a warrant issued by the court, and the court may impose any penalties which it might have imposed at the time the defendant was placed on probation.

C. S. 5051. **Duties and powers of probation officers.** It shall be the duty of a probation officer to make such investigations before, during or after the trial or hearing of any case coming before the court as the court shall direct, and shall report thereon in writing. The probation officer shall take charge of any child before or after the trial or hearing when so directed by the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation, and shall instruct the probationer and other persons responsible for the welfare of the probationer regarding same, and shall enforce all the conditions of probation. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring of reports and in other ways, and shall report upon the progress of each case under his supervision at least monthly to the court. Such officer shall use all suitable methods not inconsistent with the conditions imposed by the court to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work. He shall keep accurate and complete accounts of all moneys collected from persons under his supervision; he shall give receipts therefor, and shall make at least monthly returns thereof; such officer shall make such report to the State Board of Charities and Public Welfare as it may from time

to time require, and shall perform such other duties as the court under whose direction such officer is serving shall direct.

Every probation officer shall have all the powers of a peace officer within the jurisdiction of the court which he serves. With the approval or under the direction of the judge of the court in which a probation officer is serving, such officer is authorized and empowered to act as probation officer over any person on probation transferred to his supervision from any other court, and may act as parole officer over any person released from a correctional institution when requested to do so by the authorities thereof and when authorized so to act by the judge of the court in which such probation officer is serving.

C. S. 5052. **Support of child committed to custodial agency.** Whenever any child is committed by the court to the custody of an institution, association, society, or person other than its parent or guardian, compensation for the care of such child when approved by the order of the court, shall be a charge upon the county, but the court may at the issuance and service of an order to show cause on the parent or other person having the duty under the law to support such child adjudge that such parent or other person shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and willful failure to pay such sum may be punished as a contempt of court.

C. S. 5053. **Selection of custodial agency.** In committing any child to any institution or other custodian agency other than one supported and controlled by the State or in placing the child under any guardianship other than that of its natural guardians, the court shall, as far as practicable, select as the custodial agency an institution, society or association governed by persons of like religious faith as the parents of such child or an individual holding the same religious belief.

C. S. 5054. **Modification of judgment; the return of child to parents.** Any order or judgment made by the court in the case of any child shall be subject to such modifications from time to time as the court may consider to be for the welfare of such child, except that a child committed to an institution supported and controlled by the State may be released or discharged only by the governing board or officer of such institution.

Any parent or guardian, or if there be no parent or guardian, the next friend of any child who has been or shall hereafter be committed by the court to the custody of an institution, other than an institution supported and controlled by the State, or to the custody of any association, society or person, may at any time file with the court a petition verified by affidavit setting forth under what conditions such child is living, and that application for the release of the child has been made to and denied by such institution, association, society or person, or that institution, association, society or person has failed to act upon such application within a reasonable time. A copy of such petition shall at once be served by the court upon such institution, association, society or person, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the question at issue, and may return such child to the custody of its parents or guardian or direct such institution, asso-

ciation, society or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require.

Any child while under the jurisdiction of the court shall be subject to the visitation of the probation officer or other agent of the court authorized to visit such child.

C. S. 5055. **Appointment of guardians.** Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of any child within the jurisdiction of the court will be promoted by the appointment of an individual as general guardian of its person, when such child is not committed to an institution or to an incorporated society or association, or by the appointment of an individual or corporation as general guardian of its property, the court shall have jurisdiction to make such appointment, either upon the application of the child or of some relative or friend, or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents of such child in such manner and for such time, prior to the hearing, as the court may deem reasonable. In any case arising under this act the court may determine as between parents or others whether the father or mother or what person shall have the custody and direction of said child, subject to the provisions of the preceding section.

C. S. 5056. **Examination and treatment of children found to be mentally defective or in need of medical care.** The court, in its discretion, either before or after a hearing, may cause any child within its jurisdiction to be examined by one or more duly licensed physicians, who shall submit a written report thereon to the court. If it shall appear to the court that any child within the jurisdiction of the court is mentally defective, he may cause the child to be examined by two licensed physicians, and on the written statement of the two examining physicians that it is their opinion that the child is mentally defective, feebleminded, or epileptic, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feebleminded, or epileptic children, as the case may be. No child shall be committed to such institution unless the parent or parents or the guardian or custodian of such child, if such there be, are given an opportunity for a hearing.

Whenever a child within the jurisdiction of the court and under the provisions of this act appears to the court to be in need of medical or surgical care a suitable order may be made for the treatment of such child in a hospital or otherwise, and the expense thereof, when approved by the court, shall be a charge upon the county or the appropriate subdivision thereof; but the court may adjudge that the person or persons having the duty under the law to support such child shall pay a part or all of the expenses of such treatment as provided in section 5052 of this article.

See Biennial Report of Attorney General—1924-1926—*Page* 280.

C. S. 5057. **Offenses against children; responsibility of parents and other adults; penalty.** A parent, guardian, or other person having the custody of a child who omits to exercise reasonable diligence in the care, protection, or control of such child, causing it to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State as provided in this act, or who permits such child to associate with vicious, immoral, or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation,

or any place where gambling is carried on, or to enter any place which may be injurious to the morals, health or general welfare of such child, and any such person or any other person who knowingly or willfully is responsible for, encourages, aids, causes or connives at, or who knowingly or willfully does any act to produce, promote or contribute to the condition which caused such child to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State, shall be guilty of a misdemeanor.

C. S. 5058. **Appeals.** An appeal may be taken from any judgment or order of the juvenile court to the Superior Court having jurisdiction in the county by the parent or, in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in the two preceding sections of this act whose case has been heard by the juvenile court. Such appeal shall be taken in the manner provided for appeals to the Superior Court: *Provided*, that written notice of such appeal be filed with the juvenile court within five days after the issuance of the judgment or order of such court.

C. S. 5059. **Compensation of judges.** The judge of the juvenile court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the Superior Court.

C. S. 5060. **Co-operation.** It is hereby made the duty of every State, county or municipal official or department to render such assistance and co-operation within his or its jurisdiction or power as shall further the objects of this act. All institutions or other agencies to which any person coming within the provisions of this act may be sent are hereby required to give such information concerning such child to the court or to any other officer appointed by it as said court or official may require for the purposes of this act. The court is authorized to seek the cooperation of all societies, organizations or individuals to the end that the court may be assisted in every way in the discharge of its duties.

C. S. 5061. **Rules.** The court shall have power to devise and publish rules to regulate the procedure in cases coming within the provisions of this act and for the conduct of all probation and other officers of the court in such cases. The court shall devise and cause to be printed for public use such forms for records and for various petitions, orders, processes, and other papers in the cases coming within this act as shall meet the requirements thereof, and all expenses incurred in complying with the provisions of this act shall be a public charge.

C. S. 5062. **City juvenile courts and probation officers.** Every city in North Carolina where the population was by the census of one thousand nine hundred and twenty, ten thousand or more shall maintain a juvenile court to which is hereby given the powers, duties, and obligations of this article to be exercised within their territorial boundaries. Such city juvenile courts shall conduct their business in accordance with the procedure set forth in this act as applying to the county juvenile court. It is hereby made the duty of governing bodies of such cities to make provision for

such courts and bear the expense thereof, either by requiring the recorder to act as juvenile judge, or by the appointment of a separate judge. The governing bodies of such cities shall also appoint one or more assistant probation officers, who shall serve within its jurisdiction under the general supervision of the chief probation officer of the county, which chief probation officer of the county is hereby made the chief probation officer of the city court herein provided for. The salary of the chief juvenile court judge shall be fixed and paid by the governing body of the city, and such governing bodies are hereby given authority to expend such sums from the public funds of the city as may be required to carry this article into effect.

In case it may appear to the governing bodies of such cities herein described that it would be best to allow the county juvenile court to transact the business of the city, they may make such provisions and agreements with the county commissioners for the expense of the joint court as may be agreed upon, and in such event, such a city is hereby permitted to make such arrangement in lieu of establishing a city juvenile court. But in case the county commissioners will not agree to such arrangement, then the city must establish a juvenile court, as provided in this section.

Any town of five thousand population, which is not a county-seat, and in which there is a recorder's court, may, if deemed advisable and necessary by the governing body, provide for the conduct of a juvenile court within the territorial jurisdiction of such recorder's court: *Provided*, that the provisions and procedure of this chapter are fully followed as in case for towns of ten thousand inhabitants.

JUVENILE DELINQUENT INSTITUTIONS

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL

C. S. 7314. **Purpose of the school.** The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent children of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal children under the age of sixteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts, the judges of the juvenile courts, or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with this section are hereby repealed.

C. S. 7320. **Powers of superintendent.** The superintendent employed by the board is authorized to require obedience from all inmates of the school, and is intrusted with the authority for correcting and punishing any inmate thereof to the same extent as a parent may under the law impose upon his own child, and the trustees shall have the right at any time to discharge the superintendent for cause.

C. S. 7322. **Courts may commit offenders to reformatory.** The judges of the Superior Courts, recorders, or other presiding officers of the city or criminal courts of the State, shall have authority, and it shall be their duty, to sentence to the school all persons under the age of sixteen years

convicted in any court of this State of any violation of the criminal laws: *Provided*, that such judge or other of said officers shall be of the opinion that it would be best for such person, and the community in which he may be convicted, that he should be so sentenced. Any commitment under this article, whether by judge or court, as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of the school for the detention and keeping therein of the child so committed.

C. S. 7323. **Governor may transfer prisoners to reformatory.** The Governor of the State may by order transfer any person under the age of sixteen years from any jail, chain gang, or penitentiary in this State to such reformatory.

C. S. 7328(a). **Trustees to receive gifts for cottages.** The board of trustees of the Stonewall Jackson training school are hereby empowered to receive specific gifts from individuals or other sources for the exclusive purpose of erecting and equipping cottages on the grounds of the institution under such rules and regulations as may be fixed by the said board of trustees.

C. S. 7328(b). **Boys from counties making gifts; designation of cottage.** When such gifts, sufficient to erect or to erect and equip a cottage sufficient to accommodate thirty boys, are received from individuals or other sources from any given county of the State, the trustees of the Stonewall Jackson training school may enter into an obligation to receive and maintain in the institution only according to their fixed rules and regulations for entrance, maintenance and discharge, a number of boys from the said county equal to the number which may be accommodated in such building. Such cottage may be designated_____county cottage.

EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS

C. S. 7362(c). **Establishment and operation of school. Boys subject to committal. Control. Term of detention.** The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent white boys of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal boys under the age of eighteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts, the judges of the juvenile courts or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with the provisions of this section are hereby repealed.

C. S. 7362(h). **Enforcement of discipline; discharge of superintendent.** The superintendent employed by the board is authorized to require obedience from all the inmates of the school, and is entrusted with the authority for correcting and punishing any inmate thereof to the same extent as a parent may under the law impose upon his own child; and the trustees shall have the right at any time to discharge the superintendent for cause.

C. S. 7362(i). **Powers of judges. Commitment authority for detention.** The judges of the Superior Court, recorders, or other presiding officers of the city or criminal courts of this State shall have authority, and it shall be their duty, to sentence to the school all persons under the age of eighteen years convicted in any court in this State of any violation of the criminal law: *Provided*, that such judge or other officers shall be of the opinion that it would be best for such person, and the community in which he may have been convicted, that he should be so sentenced. Any commitment under this article, whether by judge or court, as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of the school for the detention and keeping therein of the boy so committed.

C. S. 7362(j). **Transfer by order of Governor.** The Governor of the State may by order transfer any boy under the age of eighteen years from any jail, chaingang or penitentiary in this State to such school.

C. S. 7362(l). **Boys to be received. Subjects of instruction.** The officers of the school shall receive and take into it all boys committed thereto by competent authority, or received therein as aforesaid, and shall cause all such boys in the school to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities. The boys shall be taught such useful trades and given such manual training as the board may direct, and shall perform such manual labor as the principal or other superintendent officers subject to the direction of the board, may order. All the inmates shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and to be industrious.

C. S. 7362(n). **Certificate for removal from school. Order of removal.** If it shall appear to the board of trustees that any inmate of the school is or becomes ungovernable and is exerting an unwholesome influence over any other inmate, it shall be their duty to certify the same to the Governor of the State, and he may order such inmate to the State prison or the jail or chain-gang in the county in which such inmate was convicted, where such person shall serve out his unexpired term.

STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS (SAMARCAND MANOR)

C. S. 7334*. **Persons committed to the reformatory; time of detention.** Any girl or woman who may come or be brought before any court of the State, and may either have confessed herself guilty of have been convicted of being a habitual drunkard, or being a prostitute, or of frequenting disorderly houses or houses of prostitution, or of vagrancy, or of any other misdemeanor, may be committed by such court for confinement in the institution aforesaid: *Provided*, such person is not insane or mentally or physically incapable of being substantially benefitted by the discipline of such institution: and *Provided further*, that before sentencing such person to confinement in the institution the court shall ascertain whether the institution is in position to care for such person; and it shall be at all times within the discretion of the board of directors as to whether the board will receive any person in the institution. No commitment shall be for any definite term, but any person so committed may be paroled or discharged at any time after her commitment by the board of managers, but no inmate shall in any case

be detained longer than three years: *Provided*, that when any girl under twenty-one years of age shall have been committed to the institution the trustees shall have the sole right and authority to keep, restrain and control her until she is twenty-one years old or until such time as they shall deem proper for her discharge, under such proper and humane rules and regulations as may be adopted by the trustees. When any such person shall come before any court for the purpose of confessing guilty or for trial, the court shall, as far as feasible and as far as consistent with public policy, give a private hearing, and in all respects avoid unnecessary publicity in connection with the proceedings before the court.

NOTE.—It is the policy of Samarcand to give preference to young girls. The older, confirmed prostitutes are not admitted.

C. S. 7335. **Delivery of inmates to institution; expenses.** It shall be the duty of the county authorities of the county from which any girl or woman is sent to the home, or the city authorities, if the girl or woman is ordered to be sent to the the home by any city court, to see that such girl or woman is safely and duly delivered to the home, and to pay all the expenses incident to her conveyance and delivery to the home.

C. S. 7336. **Voluntary application for admission; care of children.** In addition to caring for such persons as may be committed to the institution by order of the court, the board of managers may, in their discretion, receive into the institution any such person who may have in writing confessed herself guilty of any offense or any wayward conduct and may in writing express her desire to become an inmate of the institution; but the board shall not admit any such person unless upon examination of such person, freely and voluntarily held under the direction of the board, the board shall conclude that confinement in the institution will probably aid in the reformation of such person. Any person becoming an inmate of the institution under the provisions of this section shall be subject to the same rules and regulations as those who have been committed by order of court, and shall be detained for such time as the board, in its judgment, may deem best, not exceeding, however, the term of three years. And it shall further be the duty of the board of managers to make suitable provision for the care and maintenance of children born in the institution, and also of the infant children that any woman may have when she is committed to the institution.

C. S. 7337. **Law as to juvenile delinquents applied.** The provisions of the chapter pertaining to the reclamation and training of juvenile delinquents shall apply to young girls, and any court before whom a young girl is brought pursuant to the provisions of said chapter may be by order of court placed in the institution herein established, and shall be subject to all provisions of law relating thereto: *Provided*, however, that no girl shall be admitted to the institution under this provision without the previous consent of the board of managers.

See Biennial Report of Attorney General—1923-1924—*Page* 236.

C. S. 7338. **Discharge on parole; arrest for escape or violation of parole.** The board of managers may conditionally discharge any person at any time, and if any such person shall violate any condition of her parole or shall violate any condition upon which she has been discharged, or if any inmate escape from the institution, the board of managers may cause any

such person to be rearrested and returned to the institution and be detained therein for the unexpired portion of her term, dating from the time of her parole, conditional discharge, or escape. The board of managers is empowered to issue to any person designated by the board a commitment signed by the president and attested by the secretary, and having attached thereto the common seal of the corporation, by the terms of which commitment such person may be authorized and empowered to apprehend any such person who may have violated her parole or any condition of her discharge or that may have escaped, and carry such person back to the institution. Such commitment shall briefly state the reason for the issuance of the same, and the person designated to execute the same may execute it in any county of the State.

See Biennial Report of Attorney General—1923-1924—*Page* 238.

C. S. 7343(a). **Unlawful acts of inmates and other; escape; prostitution, etc.** It shall be unlawful:

(a) For any inmate of the State home and industrial school for girls and women to escape from said school, or for any person to aid and abet any inmate to escape therefrom;

(b) For any person to advise, or solicit, or to offer to advise, or solicit, any inmate of said school to escape therefrom;

(c) For any person to transport, or to offer to transport, in automobile, or other vehicle or conveyance, any inmate of said school to or from any place: *Provided*, this shall not apply to the superintendent and teachers of said school, or to employees acting under the superintendent of said school;

(d) For any person to engage in, or to offer to engage in prostitution with any inmate of said school;

(e) For any person to receive, or to offer to receive any inmate of said school into any place, structure, building or conveyance for the purpose of prostitution, or to solicit any inmate of said school to engage in prostitution;

(f) For any person to conceal an escaped inmate of said school, or to furnish clothing to an escaped inmate thereof to enable her to conceal her identity.

C. S. 7343(b). **"Inmate" and "prostitution" defined.** The term "inmate" as used in section 7343(a) shall be construed to include any and all girls and women committed to, or received into said State home and industrial school for girls and women under the provisions of this article; and the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse.

C. S. 7343(c). **Punishment for violation of section 7343(a).** Any person who shall knowingly and willfully violate any one of the provisions of section 7343(a) shall be guilty of a misdemeanor, shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.

MORRISON TRAINING SCHOOL FOR NEGRO BOYS

C. S. 5912(c). **Trustees to meet and organize. Location of school. Powers of trustees. Board of parole.** Immediately upon receiving notice of their appointment as trustees, the persons so designated shall meet and organize by electing from their number a chairman, and one as secretary, or the latter two officers may be combined. They shall thereupon under-

take as expeditiously as possible the business of selecting a location and preparing for the opening and maintenance of the State Training School for Negro Boys. The board shall have power to appoint and dismiss at will a superintendent and other employees, to make such rules for its own meetings and guidance as it deems necessary; have the general superintendence, management, and control of the institution; of the grounds and buildings, officers and employees thereof; of the inmates therein, and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board of managers shall constitute a board of parole of the institution, and shall have power to parole and discharge the inmates under such rules and regulations as the board may prescribe, and to retake them upon failure to comply with any requirement of parole.

C. S. 5912(d).* **Delinquents committed to institution; cost; age limit.** Delinquent negro boys, under the age of sixteen years, may be committed to the institution by any juvenile, State, or other court having jurisdiction over such boy, but no boy shall be sent to the institution until the committee agency has received notice from the superintendent that such person can be received. The cost of sending inmates shall be paid by the county or municipality sending the same, as the case may be. In special cases where the public good would seem to be subserved thereby the board shall have the right, upon the request of any court of proper jurisdiction, to receive an inmate above the age of sixteen, but this shall be a matter wholly within the discretion of the board. When any commitment to the institution is made, it shall not be for any specified time, but may continue or terminate at the discretion of the board, not to exceed the age of majority of the inmate.

C. S. 5912(f)*. **Apportionment of admissions. Private or municipal contributions.** In receiving inmates of the institution, the trustees shall distribute such admissions as near as may be in relation to the negro population of the several counties until all the maintenance appropriation from the State is exhausted. If after such maintenance fund is exhausted, it be found possible to provide housing space and control for additional inmates, then the trustees may receive such additional number of inmates as can be cared for upon the payment by private persons or municipal or county authorities of the actual cost of the maintenance of such inmates. County and municipal authorities are hereby given authority to pay such sums in their discretion.

KIDNAPPING

C. S. 4221. **Punishment for kidnapping.** If any person shall forcibly or fraudulently kidnap any person, he shall be guilty of a felony, and upon conviction may be punished in the discretion of the court, not exceeding twenty years in the State's Prison.

C. S. 4222. **Enticing minors out of the State for purposes of employment.** If any person shall employ and carry beyond the limits of this State any minor, or shall induce any minor to go beyond the limits of this

State, for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars and not more than one thousand dollars for each offense. The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be *prima facie* evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor.

C. S. 4223. **Abduction of children.** If anyone shall abduct or by any means induce any child under the age of fourteen years, who shall reside with its father, mother, uncle, aunt, brother, or elder sister, or shall reside at a school, or be an orphan and reside with a guardian, to leave such person or school, he shall be guilty of a felony, and on conviction shall be fined or imprisoned in the State's Prison for a period not exceeding fifteen years.

C. S. 4224. **Conspiring to abduct children.** If anyone shall conspire to abduct, or by any means to induce any child under the age of fourteen years, who shall reside with any of the persons designated in the preceding section, or shall reside at school, to leave such persons or the school, he shall be guilty of a felony, and on conviction shall be punished as prescribed in the preceding section: *Provided*, that no one who may be a nearer blood relation to the child than the persons named in the preceding section shall be indicted for either of said offenses.

MARRIAGE

C. S. 2493. **Requisites of marriage; solemnization.** The consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, and in the presence of an ordained minister of any religious denomination, minister authorized by his church, or of a justice of the peace, and the consequent declaration by such minister or officer that such persons are man and wife, shall be a valid and sufficient marriage: *Provided*, that the rite of marriage among the Society of Friends, according to a form and custom peculiar to themselves, shall not be interfered with by the provisions of this chapter: *Provided further*, marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation.

C. S. 2494*. **Capacity to marry.** All unmarried male persons of sixteen years, or upwards, of age, and all unmarried females of sixteen years, or upwards, of age, may lawfully marry, except as hereinafter forbidden: *Provided*, that females over fourteen years of age, and under sixteen years of age may marry under a special license to be issued by the register of deeds, which said special license shall only be issued after there shall have been filed with the register of deeds a written consent to such marriage, signed by one of the parents of the female or signed by that person standing *in loco parentis* to such female, and the fact of the filing of such written consent shall be set out in said special license.

C. S. 2495. **Want of capacity; void and voidable marriages.** All marriages between a white person and a negro or Indian, or between a white

person and person of negro or Indian descent to the third generation, inclusive, or between a Cherokee Indian of Robeson County and a negro, or between a Cherokee Indian of Robeson County and a person of negro descent to the third generation, inclusive, or between any two persons nearer of kin than first cousins, or between a person under fourteen years of age and any male, or between persons either of whom has a husband or wife living at the time of such marriage, or between persons either of whom is at the time physically impotent, or is incapable of contracting from want of will or understanding, shall be void: *Provided*, double first cousins may not marry; and *Provided further*, that no marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section, except for that one of the parties was a white person and the other a negro or Indian, or of negro or Indian descent to the third generation, inclusive, and for bigamy.

C. S. 2500(a). **Certificate of health for applicants for license.** No license to marry shall be issued by the register of deeds of any county to a male applicant therefor except upon the presentation by the said male applicant of a certificate executed within seven days from the time of the presentation of said certificate to the register of deeds as hereinafter provided, showing the nonexistence of any venereal disease, the nonexistence of tuberculosis in the infectious stages, and that the applicant has not been adjudged by a court of competent jurisdiction an idiot, imbecile, or of unsound mind. No license shall be issued to any female applicant who shall not present a certificate showing the nonexistence of tuberculosis in the infectious stages, and that she has not been adjudged by a court of competent jurisdiction to be of unsound mind.

C. S. 2500(b). **Certificates executed by what physician.** The certificate referred to in the preceding section shall be executed by any reputable physician licensed to practice medicine and surgery in the State and who shall reside within the county in which said license to marry shall be applied for; or by the county health officer of such county, whose duty it shall be to examine such applicants and issue such certificates without charge: *Provided*, where a city or town is located in two or more counties, then a physician who practices medicine and surgery in the State, and lives in said city may examine applicants and execute such certificates in either county in which said city may be located. Such physician residing without the county in which the marriage is to take place may issue such certificate when the clerk of the Superior Court of the county in which such physician resides certifies under his hand and seal that the person who signs such certificate is a reputable physician and surgeon, actually engaged in the practice of his profession. This clause, however, shall not be interpreted as applying to physicians residing in the town or city located in two counties: *Provided further*, that any physician who practices medicine and surgery in the State and lives within a radius of three miles of the county line in which the license is applied for may examine and execute such certificate.

C. S. 2500(c). **Issuing license without certificate a misdemeanor.** Any register of deeds who issues a license to marry without the presentation of the certificate provided for in the preceding sections, or contrary to the provisions of this law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned for thirty days in the discretion of the court.

C. S. 2500(d). **False statement by a physician a misdemeanor.** Any physician who shall knowingly and willfully make any false statement in the certificate hereinbefore provided for shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars, or imprisoned for not more than six months.

C. S. 4444. **Age of legal marriage.** If any person shall marry a female under the age of fourteen years, he shall be guilty of a misdemeanor.

See Biennial Report of Attorney General—1924-1926—*Pages* 340, 341.

C. S. 4340. **Miscegenation.** All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are forever prohibited, and shall be void. Any person violating this section shall be guilty of an infamous crime, and shall be punished by imprisonment in the county jail or State's Prison for not less than four months nor more than ten years, and may also be fined, in the discretion of the court.

C. S. 4341. **Issuing license for marriage between white person and negro; performing marriage ceremony.** If any register of deeds shall knowingly issue any license for marriage between any person of color and a white person; or if any clergyman, minister of the gospel or justice of the peace shall knowingly marry any such person of color to a white person, the person so offending shall be guilty of a misdemeanor.

C. S. 4342. **Bigamy.** If any person, being married, shall marry any other person during the life of the former husband or wife, every such offender, and every person counseling, aiding or betting such offender, shall be guilty of a felony, and shall be imprisoned in the State's Prison or county jail for any term not less than four months nor more than ten years. Any such offense may be dealt with, tried, determined and punished in the county where the offender shall be apprehended, or be in custody, as if the offense had been actually committed in that county. If any person, being married, shall contract a marriage with any other person outside of this State, which marriage would be punishable as bigamous if contracted within this State, and shall thereafter cohabit with such person in this State, he shall be guilty of a felony and shall be punished as in cases of bigamy. Nothing contained in this section shall extend to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to have been living within that time; nor to any person who at the time of such second marriage shall have been lawfully divorced from the bond of the first marriage; nor to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

C. S. 4339. **Seduction.** If any man shall seduce an innocent and virtuour woman under promise of marriage, he shall be guilty of a felony, and upon conviction shall be fined or imprisoned at the discretion of the court, and may be imprisoned in the State's Prison not exceeding the term of five years: *Provided*, the unsupported testimony of the woman shall not be sufficient to convict: *Provided further*, that marriage between the parties shall be a bar to further prosecution hereunder. But when such marriage is relied upon by the defendant, it shall operate as to the costs of the case as a plea of *nolo contendere*, and the defendant shall be required to pay all the costs of the action or be liable to imprisonment for nonpayment of the same.

MATERNITY HOMES AND HOSPITALS

(See Duties of State Board of Charities and Public Welfare, Page 9.)

MENTAL DEFECTIVES

FEEBLEMINDED

CASWELL TRAINING SCHOOL

C. S. 5895. **Objects of the school.** The purpose and aim of the Caswell Training School is to segregate, care for, train, and educate, as their mentality will permit, the State's mental defectives; to disseminate knowledge concerning the extent, nature, and menace of mental deficiency; to suggest and initiate methods for its control, reduction, and ultimate eradication from our people; and to maintain an extension bureau for instructing the public in the care of the mental defectives who remain in their homes and for the after-care of discharged inmates of the institution; and to create and main a psychological clinic for the study and observation of mental defectives charged with crime, and to give expert advice in all cases of mental defect.

C. S. 5898. **Persons admitted; county commissioners to approve.** There shall be received into the Caswell Training School, subject to such rules and regulations as the board of directors may adopt, feeble-minded and mentally defective persons of any age when in the judgment of the officer of public welfare and the board of directors of said institution, it is deemed advisable. All applications for admission must be approved by the local county welfare officer and the judge of the juvenile court or the clerk of the court of the county wherein said applicant resides.

NOTE.—See C. S. 6175, on Page 75.

HOSPITALS FOR THE INSANE

C. S. 6151. **Incorporation and names.** The hospital for the insane, located near Morganton, shall be and remain a corporation under this name: The State Hospital at Morganton. The hospital for the insane, located near Raleigh, shall be and remain a corporation under this name: The State Hospital at Raleigh. The hospital for the insane, located near Goldsboro, shall be and remain a corporation under this name: The State Hospital at Goldsboro. Under their respective names each corporation is invested with all the property and rights heretofore held by each, under whatsoever name called or incorporated, and all other corporate names are hereby abolished. Hereafter in this chapter, when the above names are used, they shall be deemed to relate back to and include the corporation under whatsoever name it might heretofore have had.

C. S. 6152. **Power to acquire and hold property.** The State Hospital at Morganton, and the State Hospital at Raleigh, and the State Hospital at Goldsboro, may each acquire and hold, for the purpose of its institution, real and personal property, by devise, bequest, or by any manner of gift, purchase, or conveyance whatsoever.

C. S. 6153. **Division of territory; Goldsboro for colored insane.** The State Hospital at Morganton and the State Hospital at Raleigh shall be exclusively for the accommodation, maintenance, care and treatment of white insane of this State, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane and inebriates of this State. The line heretofore agreed upon by the directors of the State Hospital at Morganton and the State Hospital at Raleigh shall be the line of division between the territories of the said hospitals, and white insane persons and inebriates settled in counties west of said line shall be admitted only into the State Hospital at Morganton, and white insane persons and inebriates settled in counties to the east of said line shall be admitted only into the State Hospital at Raleigh. The board of directors hereinafter provided for may change said line from time to time whenever in their opinion such change may be proper, and they may transfer patients from one hospital to the other when such transfer may be deemed advantageous. That portion of the State which is or may hereafter be west of said division line shall be known as the western hospital district, and that portion of the State which is or may hereafter be east of said line shall be known as the eastern hospital district.

C. S. 6154. **Cherokee Indians of Robeson County and Croatan Indians of other counties.** All the insane and inebriate Cherokee Indians of Robeson County, and all the insane and inebriate Croatan Indians of the other counties of the State shall be cared for in the hospital for the insane at Raleigh in wards separate and apart from the white patients in said hospital, and all such Cherokee Indians of Robeson County and Croatan Indians of the other counties of the State shall be cared for and receive the same treatment as other patients in said hospital receive.

C. S. 6155. **Epileptics cared for at Raleigh.** Whenever it becomes necessary for any white person of this State, afflicted with the disease known as epilepsy, to be confined or to receive hospital treatment, such person shall be accommodated, maintained, cared for, and treated at the State Hospital at Raleigh. Such epileptics shall be committed by the clerks of the Superior Courts of the several counties to the State Hospital at Raleigh in the manner now provided by law for the commitment of insane persons to the several hospitals for the insane; and when such persons shall be committed it shall be the duty of the superintendent of the State Hospital at Raleigh, and he is required, to receive such persons and care for, maintain, and treat them at the hospital at Raleigh, if the superintendent shall find such persons to be afflicted to such extent as properly to become a public charge: *Provided*, that any person so committed who is able to pay shall be charged actual cost of maintenance. All epileptics confined, cared for, and maintained at the State Hospital at Monganton shall be transferred to the State Hospital at Raleigh.

C. S. 6168. **Board of Charities and General Assembly, visitors; superintendent reports, to whom.** The State Board of Charities and Public Welfare and the members of the General Assembly shall be *ex officio* visitors of all hospitals for the insane. It shall be the duty of the State Board of Charities to visit the hospitals from time to time, as they may deem expedient, to examine into their condition, and make report thereon to the General Assembly, with such suggestions and remarks as they think proper.

C. S. 6173. **Superintendent; appointment, term of office, qualifications, and removal.** The board of directors shall appoint a superintendent of each of said institutions and prescribe his duties. He shall be a skilled physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold office for six years from and after his appointment, unless sooner removed by said board, who may, for infidelity to his trust, gross immorality, or incompetency to discharge the duties of his office, fully proved and declared, and the proofs thereof recorded in the book of their proceedings, remove him and appoint another in his place.

C. S. 6174. **Powers of superintendent.** The superintendent of each hospital shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his hospital, and he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors the misconduct of all subordinates.

C. S. 6175. **Superintendent to notify sheriff of escape.** Any superintendent may notify the sheriff within whose county any person sent from his hospital on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to such hospital at the expense of the county of the settlement of the patient.

NOTE.—Chapter 114 Public Laws of 1927 amends C. S. 6175 by including the Caswell Training School.

C. S. 6184. **Persons adjudged insane entitled to immediate admission.** Any resident of North Carolina who has been legally adjudged to be insane by the clerk of the court or other properly authorized person, in accordance with the provisions of this chapter, shall be entitled to immediate admission into the State Hospital at Morganton, the State Hospital at Raleigh, or the State Hospital at Goldsboro, in accordance with the principles of division as to race and residence prescribed in this chapter; and no resident of the State who has been legally adjudged insane and who has been presented to the superintendent of the proper State hospital for the insane as provided in this article, shall be refused admission thereto; but nothing in this article shall be construed to affect the discharge or transfer of patients as now provided by law.

See Biennial Report of Attorney General—1924-1926—*Pages* 289, 290.

C. S. 6185. **Idiots not admitted.** No idiot shall be admitted to any hospital, and for the purpose of this charter an idiot is defined to be a person born deficient in mind.

C. S. 6186. **Priority given to indigent patients; payment required from others.** In the admission of patients to any State hospital, priority of admission shall be given to the indigent insane; but the board of directors may regulate admissions, having in view the curability of patients, the welfare of the institutions, and the exigencies of particular cases. The board of directors may, if there be sufficient room, admit other than indigent patients upon payment of proper compensation. If any inmate of any State hospital shall require private apartments, extras, or private nurses,

the directors, if practicable, shall provide the same at a fair price to be paid by such patient. Upon the death of any nonindigent patient, the State hospital may maintain an action against his estate for his support and maintenance for a period of five years prior to his death.

C. S. 6187. **Only bona fide residents admitted to hospitals.** No clerk of the court or justice of the peace shall commit to a hospital any person who is not a *bona fide* citizen and resident of this State; and no person who shall have removed into this State from another State while insane shall be deemed a resident or citizen of this State; and no length of residence in this State of a person who was insane at the time he moved into this State shall be sufficient to make that person a citizen or resident of North Carolina within the meaning of this chapter. If any clerk or justice of the peace shall knowingly commit to any hospital a person who is not a *bona fide* citizen and resident of the State, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

C. S. 6188. **Findings as to residence in examination reported.** In every examination of an alleged insane person it shall be the duty of the clerk or justice of the peace to particularly inquire whether the alleged insane person is a resident of this State, as hereinbefore set forth, and he shall state his findings upon the subject in his report to the superintendent of the hospital. If it is not possible to ascertain the legal residence of the alleged insane person, and the clerk or justice of the peace shall be of the opinion that the insane person is a resident of this State, within the meaning of this law, he shall state that he was unable to ascertain the legal residence of the insane person, and shall commit him to the hospital of his district.

C. S. 6189. **Settlement of patient determined.** For the purposes of this chapter the settlement of every person admitted to a State hospital as insane shall be in the county where the actual place of his residence at his admission may be situated, when such settlement comes in question, but no person can have a settlement in any county in this State unless he is a *bona fide* citizen and resident of this State, and was so before mental disease became manifest.

C. S. 6190. **Affidavit of insanity to procure admission.** For admission into a State hospital the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with the clerk of the Superior Court of the county an affidavit in writing, which shall be sustantially in the following form:

STATE OF NORTH CAROLINA,.....County.

The undersigned, residing in said county, makes oath that he has carefully examined.....,and believes him to be an insane person, and to be, in the opinion of the undersigned, a fit subject for admission into a hospital for the insane.

Dated.....day of....., A. D. 19.....

.....

Affiant.

Sworn and subscribed before me.

.....

Clerk Superior Court.

C. S. 6191. **Clerk to issue order for examination.** Whereupon, unless the person in whose care or custody the insane person is will agree to bring him before the clerk without a warrant, or unless the clerk shall be of the opinion that it will be injurious to the insane person to be brought before him, the clerk shall issue a precept, directed to the sheriff or other lawful officer, substantially in the following form:

STATE OF NORTH CAROLINA,

To the Sheriff or other lawful officer of.....County—Greeting:

Whereas, information, on oath, has been laid before me that..... is insane, you are hereby commanded to bring him before me within the next ten days that necessary proceedings may be had thereon.

Given under my hand,.....day of....., A. D. 19....

.....

Clerk Superior Court.

C. S. 6192. **Clerk and physician to make examination.** If the alleged insane person be confined in jail otherwise than for crime, the sheriff shall remove him from the jail upon order from the clerk. Upon the bringing of the alleged insane person before the clerk by his friends, or upon the return of the precept with the body of the insane person, the clerk shall call to his assistance the county physician of the county, or some other licensed and reputable physician, resident of this State, and shall proceed to examine into the condition of mind of the alleged insane person. He shall take testimony of at least one licensed physician, resident of this State, and, if possible, a member of the family, or some friend or person acquainted with the alleged insane person, who has had opportunities to observe him after such insanity is said to have begun.

C. S. 6193. **Clerk may discharge person, require bond, or commit to hospital.** If the clerk, after his examination of the alleged insane person, and the hearing of the testimony as aforesaid, shall decide that such person is sane, he shall forthwith discharge him. If he shall decide that such person is insane, and some friend, as he may do, will not become bound with good security in an amount to be fixed by the clerk to restrain him from committing injuries, and to keep, support, and take care of him until the cause for confinement shall cease, he shall direct such insane person to be removed to the proper hospital as a patient, and to that end he shall transmit to the proper board of directors the examination of the witnesses, and the statement of such facts as he shall deem pertinent to the subject-matter. If the clerk (or justice under section six thousand one hundred and ninety-five) is satisfied, after the examination herein provided, that the person is insane or an inebriate within the definition of section 2304(a), he shall make the following order and commitment to the proper State hospital in substantially the following form:

STATE OF NORTH CAROLINA,.....County.

State of North Carolina,
To the State Hospital at.....N. C., Greeting:

Whereas, it has been made satisfactorily to appear to me,....., Clerk of the Superior Court of said county, after a proper examination of ....., a person having his legal settlement in this county, that he is insane, epileptic or addicted to the use of drugs or alcohol (draw

a pen through terms not applying), that he is a *bona fide* citizen of the State, and that he has a legal settlement in said county and is a fit subject for care and treatment in the State Hospital at....., and that he, being at large, is injurious to himself and disadvantageous if not dangerous to the community:

These are, therefore, to command you to receive said..... into the State Hospital at.....for care and treatment as provided for by the laws of this State.

Given under my hand and official seal, this.....day of....., 19....

.....,

Clerk Superior Court,.....County.

If the proceedings are to be before a justice of the peace under section six thousand one hundred and ninety-five of the Consolidated Statutes, the following certificate shall be appended to the commitment by said justice of the peace:

I have examined the testimony as herein set forth, and am satisfied that .....is a fit subject for treatment in the State Hospital at....., N. C.

Given under my hand and official seal, this.....day of....., 19....

.....,

Clerk Superior Court.

If the patient is a pauper, the following shall be filled out and accompany the commitment:

STATE OF NORTH CAROLINA,.....County.

I, ..., Clerk of the Superior Court of the above county, do hereby certify that.....is a poor person and has no estate or property except.....

.....

.....

.....

nor has any one such property who is liable for his maintenance under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one.

Given under my hand and official seal, this.....day of....., 19....

.....,

Clerk Superior Court.

If the patient is not a pauper, the following should be filled out and accompany the commitment of the patient:

STATE OF NORTH CAROLINA,.....County.

I, ..., Clerk of the Superior Court of said county, do hereby certify that.....has property of his own and is financially able to pay for his maintenance, or has relatives who under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred

and twenty-one are liable for his maintenance, who have adequate property to pay for the same in the State Hospital at....., N. C.

Given under my hand and official seal, this.....day of....., 19....

.....,
Clerk Superior Court.

The application for admission and commitment to a particular hospital shall be forwarded to such hospital, and immediately upon receipt of said application, if there shall be room for said patient in said hospital, the superintendent shall immediately notify the clerk of the court that the patient will be admitted at once. The receipt of said notice by said clerk of the court shall constitute his authority to convey said patient to said hospital for immediate admission: *Provided*, however, nothing herein shall prevent the superintendent of said hospital from sending immediately a representative of said hospital to convey said patient thereto.

C. S. 6194. **Examination at home of patient.** If the clerk of the court shall be of the opinion that it will be injurious to the alleged insane person to be brought before him, the clerk shall proceed to the residence or habitation of said person and take the examination there.

C. S. 6195. **When justice of the peace may make examination.** In a case of emergency, when for any reason the clerk of the court cannot go or is absent from the county, then any justice of the peace is authorized to proceed in like manner by taking the testimony of the physician and other witnesses, as is before provided for in this chapter, and report the same to the clerk. If the clerk is satisfied that the alleged insane person is a fit subject for a hospital for the insane, he shall issue an order for his commitment. In cases of great emergency or inconvenience, the said justice may commit a patient to a hospital, and the superintendent is authorized to receive him, but the justice shall procure an order from the clerk to be forwarded to the superintendent within thirty days.

C. S. 6196. **Questions to be answered and certified to superintendent.** The following questions, with their respective answers by at least one licensed physician, resident of this State, and such other competent witnesses as the clerk or justice shall determine, duly sworn and subscribed by them, and so certified by the clerk or justice, shall be transmitted with the other papers to the superintendent of the proper hospital, to be reported as soon as practicable to the board of directors. Pending the consideration of the application by the board of directors, the patient shall remain in the custody of the officer or such person as the clerk may designate until it can be ascertained if there is room for the patient at the hospital:

1. What is patient's name? A.....
2. When was patient born? A.....; Present age.....
3. Where was patient born? A.....
4. Is.....or.....married, single or divorced? A.....
5. If married woman, give maiden name. A.....
6. Name and birthplace of father. A.....
7. Maiden name and birthplace of mother. A.....
8. Occupation of patient for past five years. A.....

9. Present occupation. A.....
If no occupation, how supported? A.....

10. Education: Collegiate, common school, grammar, elementary, none. A..... Professional or technical.....

11. Were mother and father related? A.....

12. Was either parent or grandparent or any children of patient or other blood relation ever insane, epileptic, feebleminded, inebriate, paralytic, physically deformed, tubercular, diabetic, etc.? Specify. A.....

13. If any of them were ever in any institution, state where and when. A.....

14. Was patient ever charged or convicted of any crime? If so, what and when? A.....

15. Is patient now charged with crime? If so, what? A.....

16. Is patient now in jail? If so, how long? A.....

17. Is patient now in county home? If so, how long? A.....

18. When was the change first observed in the patient's appearance and conduct indicating insanity? A.....

19. What were the principal mental changes and symptoms observed at that time? A.....

20. Did they develop rapidly or gradually? A.....

21. What symptoms are present at the present time? A.....

22. Has patient had previous attacks? If so, how many and was.....or .....treated in a hospital? If so, when and where? A.....

23. What did the patient say or do in your presence indicating insanity? A.....

24. Has patient delusions or hallucinations? A.....

25. Is patient destructive? If so, what has.....or.....destroyed? A.....

26. Has patient ever attempted suicide? A.....

27. Has patient ever threatened suicide? A.....

28. Has patient ever attempted homicide? A.....

29. Has patient ever threatened homicide? A.....

30. Has patient injured or attempted to injure h.....self or others? If so, whom, when and in what manner? A.....

31. State any other facts relative to behavior of patient indicating insanity. A.....

32. Is patient feebleminded? A.....

33. Is patient an idiot? A.....

34. What is the present salary of the patient? A.....

35. How many dependent on.....or.....for support? A.....

36. What is the value of.....or.....property? A.....

37. What is.....or.....annual income? A.....

38. If a minor, state occupation of patient's father. A.....

39. What is father's salary? A.....

40. What is the value of his property? A.....

41. What is his annual income? A.....

42. The following questions should be answered if patient is a drug addict or inebriate:

(1) Is patient addicted to the use of alcohol, morphine, cocaine, heroin, or any other drugs? If so, what drug? A.....

(2) In what manner (hypodermically or mouth), and how much does patient take? A.....

(3) How long has patient been an addict? A.....

(4) Has patient ever been treated for inebriety? If so, where and when? A.....

43. The following questions should be answered if patient is an epileptic:

(1) At what age did epilepsy first appear? A.....

(2) How long since first attack? A.....

(3) Do seizures occur day or night, or both times? A.....

(4) How often do attacks occur? A.....

(5) Are attacks accompanied by frothing at the mouth....., involuntary passage of urine....., of feces....., or biting of tongue? A.....

(6) Has patient been burned or otherwise injured during seizures? A.....

(7) Are seizures grand or petit mal, or both? A.....

(8) What mental changes have taken place in patient? A.....

(9) Is the patient incapable of protecting .....self against ordinary dangers without an attendant? A.....

44. Give the name of nearest relative or friend with whom superintendent can correspond relative to condition of patient? A.....; relationship and address.....

45. How could the above party be communicated with quickest in case of emergency? A.....

46. In case the hospital can accept patient, at what point could patient be delivered to representative of hospital? A.....

C. S. 6197. **Clerk to keep record of examination and discharge.** The clerk will keep a record of all examinations of persons alleged to be insane; and he shall record in such record a brief summary of the proceedings and of his findings, and whenever a justice of the peace shall transmit to the clerk a report of his proceedings when he shall have examined a person under the powers granted under this chapter the clerk shall make a record of his proceedings, and for recording the justice's proceedings he shall be entitled to a fee of twenty-five cents, to be paid by the county aforesaid, and he shall keep a record of all probations and discharges provided for in article four of this chapter.

C. S. 6198. **Fees for examination.** The following fees shall be allowed to the officers who make the examination and they shall be paid by the county in which the alleged insane person is settled: To the clerk or justice who makes the examination, two dollars, and if the clerk goes to the home of the insane person he shall be entitled, in addition to this sum, to five cents a mile each way. This shall cover his entire cost in taking the examination and making out the necessary papers.

The physician called, in the absence of the county physician, shall be entitled to two dollars with mileage. The county physician, being a sal-

aried officer, is not allowed any fee for his services in this examination. The sheriff shall be entitled to such fees as are now allowed by law for the service of process of similar character.

C. S. 6199. **Superintendent of hospital notified; attendant to convey patient.** Whenever any insane person shall be entitled to admission into any one of the hospitals of the State, and the clerk of the Superior Court or other officer authorized by law to find such person insane has so found, and has been notified that such insane person will be admitted into the hospital, it shall be the duty of the clerk or justice of the peace forthwith to notify the superintendent of such hospital, giving the race, name, sex, and age of the patient, and it shall be the duty of such superintendent, unless said patient has been exposed to a contagious disease as hereinafter mentioned in this article, to send an attendant to bring such insane person to the hospital. Such an attendant shall have all such rights as the sheriff or other officer has heretofore had to convey the insane person to the hospital.

C. S. 6200. **Bill of expense sent to county commissioners.** Upon the arrival of such insane person at the hospital, the superintendent shall send to the board of commissioners of the county in which such insane person had a settlement a bill covering the costs of conveying such insane person to the hospital, including any fees that would now be allowed an officer, and it shall be the duty of the board of commissioners forthwith to repay to such hospital the amount of such bill.

C. S. 6201. **Failure of superintendent to send attendant; sheriff to act.** If the superintendent of any hospital for the insane in this State shall, for ten days after receiving a notice as prescribed in section 6199, fail and neglect to send an attendant, as is prescribed by section 6199, to bring such insane person to the hospital, it shall be the duty of the sheriff of the county from which the notice was sent to bring at the expense of the county such insane person to the State hospital, whereupon it shall be the duty of the said superintendent to receive said insane person and relieve said sheriff of his care.

C. S. 6202. **Cost of conveying patients to and from hospital; how paid.** The cost and expenses of conveying every insane person to any hospital from any county, or of removing him from the hospital to his county, or of the return to the county of his settlement as sane, shall be paid by the treasurer of such county, upon the order of its board of county commissioners. Whenever the board of commissioners shall be satisfied that such person has property sufficient to pay such cost and expenses, or that some other person liable for his support and maintenance has property sufficient to pay such costs and expenses as aforesaid, they shall bring an action and recover the amount paid from the said person, or from the other person liable for his support and maintenance.

C. S. 6203. **Preparation of patient for admission to hospital.** Every sheriff or other person bringing to a hospital a patient shall see that the patient is clean, free from contagious disease and vermin, and that he has clothing proper for the season of the year, and in all cases two full suits of underclothing.

C. S. 6204. **Commitment in case of sudden or violent insanity.** Whenever any citizen or resident of this State becomes suddenly or violently insane, in some county other than that of his settlement, the proper authorities, as hereinbefore provided, of any county in which he shall be, shall have the authority to examine him, and, if necessary, commit him to the hospital to which he would be sent had he been committed from the county of his own settlement.

C. S. 6205. **Expense paid by county of settlement; penalty.** Immediately upon the commitment to a hospital of any such person, a transcript of the proceedings shall be sent to the clerk of the county in which he is settled, and that county shall pay over to that county from which he was committed all the cost of the examination and commitment, and if the board of commissioners of the county of the settlement shall fail to pay all proper expense of said proceedings within sixty days after the claim shall have been presented, they shall forfeit and pay to the county which committed the insane person the sum of two hundred and fifty dollars, to be recovered by the commissioners of that county in a civil action brought in the Superior Court of that county from which the patient was committed to the hospital, against the commissioners of the county.

C. S. 6206. **Person conveying patient to hospital without authority.** No sheriff or other person shall convey a patient to any hospital without having ascertained that the patient will be admitted, and if any sheriff or other person shall carry a patient to a hospital without having ascertained that the patient will be admitted, and the patient is not admitted, he shall be required to convey the patient back to the county of his settlement, and he shall not be repaid by the county or hospital for the expenses incurred in carrying the patient to and from the hospital.

C. S. 6207. **How admission determined, when superintendent is in doubt.** Whenever any insane person shall be conveyed to any hospital, and the superintendent is in doubt as to the propriety of his admission, he may convene any three of the board of directors, who shall constitute a board for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board so decide, such person shall be received into said hospital; but a like board may at any time thereafter deliver such insane person to any friend who will become bound with good surety to restrain him from committing injuries, and to keep, maintain, and take care of him, in the same manner as he might have become bound under the authority of the clerk of the court.

C. S. 6208. **Admission refused, if patient exposed to contagious disease.** The superintendent of the hospital may refuse to receive into his institution a patient when he shall have reliable information that the patient has recently been exposed to infectious or contagious disease, and there is danger of contagion and infection being conveyed by the patient, or where the patient comes from a quarantined community. Whenever a patient is rejected because of any of these reasons the superintendent shall make a record of the application, and as soon as, in his opinion, the danger shall have been removed, he shall notify the sheriff of the county, and admit the patient into his hospital.

C. S. 6209. **Commitment upon patient's own application.** Any person believing himself to be of unsound mind, or threatened with insanity, may

voluntarily commit himself to the proper hospital. The application for commitment shall be in the form following:

STATE OF NORTH CAROLINA, County of.....

I, ..., a resident of.....County, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the State hospital at.....for such a period of time as the board of directors and the superintendent may deem necessary. And I agree in all respects to conform to the rules and regulations of said institution during the period which shall be prescribed by the superintendent and board of directors.

.....

Attest: .....

This application shall be accompanied by the certificate of a licensed physician, which certificate shall state that in the opinion of the physician the applicant is a fit subject for admission into a hospital, and that he recommends his admission. The certificate of the clerk of the Superior Court need not accompany this application. The superintendent may, if he think it a proper application, receive the patient thus voluntarily committed, and treat him until the next meeting of the board of directors or of the executive committee, and shall report the application and admission to the first meeting of said board, and if said board approves such admission, the patient shall be considered as having been regularly committed, and shall, in all respects, be treated as such. But no report need be made to the clerk of the court of his county of settlement. The superintendent and board of directors shall have the same control over patients who commit themselves voluntarily as they have over those committed under the regular proceedings hereinbefore provided. And no voluntary patient shall be entitled to a discharge until he shall have given the superintendent ten days notice of his desire to be discharged.

C. S. 6210. **Proceedings in case of insanity of citizen of another state.** If any person, not a citizen or resident of this State, but a citizen and resident of another state of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of the state of which the insane person is a citizen of the facts and circumstances by letter (or telegraphic message if he thinks proper), and for a reasonable length of time the insane person shall be kept confined or restrained in said county, but shall not be committed to any State hospital, and if the state of his citizenship shall not provide for the removal from this State to his proper state of the insane person within a reasonable time, the county commissioners of the county in which he shall have been ascertained to be an insane person shall cause him to be conveyed to the state of which he is a citizen and delivered there to the sheriff of his county or to the superintendent of any state hospital. The cost of such proceedings and conveyance away from this State shall be borne by the county in which the person shall have been adjudged to be insane.

C. S. 6211. **Proceedings in case of insanity of alien.** If any person, not a citizen of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of this State of the name of the insane person, the country of which he is a citizen, and

his place of residence in said country, if the same can be ascertained, and such other facts in the case as he may obtain, together with a copy of the examination taken; and the Governor shall transmit such information and examination to the Secretary of State at Washington, D. C., with the request that he inform the minister resident or plenipoteniary of the country of which the insane person is supposed to be a citizen.

C. S. 6212. **Insane person temporarily committed to jail.** When any person found to be insane under any of the provisions of this chapter, and he cannot be immediately admitted to the proper hospital, and such person is also found to be subject to such acts of violence as threaten injury to himself and danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to the county jail until a more suitable provision can be made for his case.

C. S. 6213. **County commissioners may discharge insane person in county.** It shall be the duty of the board of county commissioners, by proper order to that effect, to discharge any ascertained insane person in their county, not admitted to the appropriate hospital, and not committed for crime, when it shall appear upon the certificate of two respectable physicians, and the chairman of their board, that such insane person ought to be discharged if in a hospital.

C. S. 6214. **Discharge of patient from hospital; sheriff's duty; expense paid.** Any three of the board of directors, upon the superintendent's certifying the facts (a copy of which certificate shall be sent to the clerk of the Superior Court of the county of settlement), shall be a board to discharge or remove from their hospital any person admitted as insane, when such person has become or is found to be of sane mind, or when such person is incurable, and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or the board may permit such person to go to the county of his settlement on probation, when in the opinion of the superintendent it will not be injurious to himself or dangerous to the community; and the board may discharge or remove such person, upon other sufficient causes appearing to them; and whenever any such person, admitted as indigent, may be so discharged or removed, except as same, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such person discharged as restored or probated shall receive from such hospital a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county, and, if necessary, the hospital shall provide the patient with a decent suit of clothes. When notified by the superintendent to come for and remove any insane person from the hospital, it shall be the duty of the sheriff of the county in which the insane person has a settlement forthwith to convey the insane person from the hospital to the county of his settlement. The cost of such removal shall be advanced by the sheriff and repaid to him by the county of insane person's settlement; and if any sheriff, after having been notified by the superintendent to remove any insane person, as aforesaid, shall fail to do so within fifteen days from the time of the receipt of the letter of notice, he shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties given in this chapter; and if the commissioners of any county shall fail to repay the hospital the money disbursed in paying for the necessary clothes and traveling expenses of any person discharged

as cured from said hospital, within sixty days after the presentation of a claim therefor, the commissioners shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties in this chapter.

C. S. 6215. **Superintendent may discharge patient temporarily.** Each superintendent may, for the space of thirty days, or until the next meeting of the board of three directors provided for in the preceding section, discharge upon probation, any patient, when in his opinion the same would not prove injurious to the patient or dangerous to the community. A report of all such probations shall be rendered to the said board of three directors at their first ensuing meeting.

C. S. 6216. **Bonds for safe-keeping of insane persons; enforcement.** All bonds executed for restraining insane persons from committing injuries, and for their safe-keeping, support and care, shall be payable to the State of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the Superior Court of the county wherein said insane person is settled, for safe-keeping, and may be put in suit by any person injured by said insane person by reason of his insane condition; and shall be put in suit by the solicitor for the judicial district in which the county of said insane person's residence is situated, for any other breach thereof, wherein the damage received shall be for the use of said insane person.

C. S. 6217. **Form of bond for safe-keeping of insane.** The form of bond mentioned in the preceding section shall be as follows:

STATE OF NORTH CAROLINA, County of.....

KNOW ALL MEN BY THESE PRESENTS, That we, A....., B....., principal, and C....., D....., and E....., F....., sureties, are held and firmly bound unto the State of North Carolina in the sum of.....dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals, this.....day of.....,19....

The condition of the above obligation is this:

WHEREAS, The said A....., B....., with the view of hindering G....., H....., an insane person resident in the county aforesaid, from being sent to.....insane hospital (or to effect his release from the said hospital, as the case may be), hath undertaken to restrain him from committing injuries and to keep, maintain, support, and take care of the said G....., H..... Now, if the said A....., B....., shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A....., B....., (SEAL)

C....., D....., (SEAL)

E....., F....., (SEAL)

C. S. 6218. **Patient returned, if condition of bond not complied with.** Whenever it shall be made to appear to the clerk of the Superior Court of the county of settlement of an insane person released on bond that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper hospital by him, unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation; and whenever said insane person shall be sent back, he shall not be delivered on any new bond of the defaulting obligor.

CRIMINAL INSANE

C. S. 6236. **Insane persons charged with crime to be committed to hospital.** All persons who may hereafter commit crime while insane, and all persons who, being charged with crime, and are adjudged to be insane at the time of their arraignment, and for that reason can not be put on trial for the crimes alleged against them, shall be sent by the court before whom they are or may be arraigned for trial, when it shall be ascertained by due course of law that such person is insane and cannot plead, to the State Hospital at Raleigh, if the alleged criminal is white, or to the State Hospital at Goldsboro, if the alleged criminal is colored, and if the alleged criminal is an Indian from Robeson County, to the State Hospital at Raleigh, as provided for insane Indians from Robeson County, and they shall be confined therein under the rules and regulations prescribed by the board of directors under the authority of this article, and they shall be treated, cared for, and maintained in said hospital. As a means of such care and treatment, the said boards of directors may make rules and regulations under which the persons so committed to said institutions may be employed in labor upon the farms of said institutions under such supervision as said boards of directors may direct: *Provided*, that the superintendent and medical director of the hospital shall determine, in each case, that such employment is advantageous in the physical or mental treatment of the particular inmate to be so employed. Their confinement in said hospital, shall not be regarded as punishment for any offense.

See Biennial Report of Attorney General—1923-1924—*Pages* 257, 258, 264, 265.

C. S. 6237. **Persons acquitted of certain crimes or incapable of being tried, on account of insanity, committed to hospital.** When a person accused of the crime of murder, attempt at murder, rape, assault with the intent to commit rape, highway robbery, train wrecking, arson, or other crime, shall have escaped indictment or shall have been acquitted upon trial upon the ground of insanity, or shall be found by the court to be without sufficient mental capacity to undertake his defense or to receive sentence after conviction, the court before which such proceedings are had shall detain such person in custody until an inquisition shall be had in regard to his mental condition. The judge shall, at the term of court at which such person is acquitted, cause notice to be given in writing, to such person and his attorney, and, if in his good judgment it be necessary, to his nearest relative, naming the day upon which he shall proceed to make an inquisition in regard to the mental condition of such person. The judge shall cause such witness to be summoned and examined as he may deem proper or as the person so acquitted or his counsel may desire. At such inquisition the judge shall cause the testimony to be taken in writing and be preserved, and a copy of which shall be sent to the super-

intendent of the hospital designated in section 6236. If upon such inquisition the judge shall find that the mental condition or disease of such person is such as to render him dangerous either to himself or other persons, and that his confinement for care, treatment, and security demands it, he shall commit such person to the hospital designated in section 6236, to be kept in custody therein for treatment and care as herein provided. Such person shall be kept therein, unless transferred under the previous provisions of this chapter, until restored to his right mind, in which event it shall be the duty of the authorities having the care of such person to notify the sheriff of the county from which he came, who shall order that he appear before the judge of the Superior Court of the district, to be dealt with according to law. The expense incident to such commitment and removal shall be paid by the county authorities from which such patient was sent.

C. S. 6238. **Convicts becoming insane committed to hospital.** All convicts becoming insane after commitment to the State prison, and the fact being certified as now required by law in the case of other insane persons, shall be admitted to the hospital designated in section 6236. In case of the expiration of the sentence of any convict insane person, while such person is confined to the said hospital, such person shall be kept until restored to his right mind or such time as he may be considered harmless and incurable.

C. S. 6239. **Persons acquitted of crime on account of insanity; how discharged from hospital.** No person acquitted of a capital felony on the ground of insanity, and committed to the hospital designated in section 6236 shall be discharged therefrom unless an act authorizing his discharge be passed by the General Assembly. No person acquitted of a crime of a less degree than a capital felony and committed to the hospital designated in section 6236 shall be discharged therefrom except upon an order from the governor. No person convicted of a crime, and upon whom judgment was suspended by the judge on account of insanity, shall be discharged from said hospital except upon the order of the judge of the district or of the judge holding the courts of the district in which he was tried: *Provided*, that nothing in this section shall be construed to prevent such person so confined in the hospitals designated in section 6236 from applying to any judge having jurisdiction for a writ of habeas corpus. No judge issuing a writ of habeas corpus upon the application of such person shall order his discharge until the superintendents of the several hospitals shall certify that they have examined such person and find him to be sane, and that his detention is no longer necessary for his own safety or the safety of the public.

C. S. 6240. **Proceedings in case of recovery of patient charged with crime.** Whenever a person confined in any hospital for the insane, and against whom an indictment for crime is pending, has recovered or has been restored to normal health and sanity, the superintendent of such hospital shall notify the clerk of the court of the county from which said person was sent, and the clerk will place the case against said person upon the docket of the Superior or Criminal Court of his county for trial, and the person shall not be discharged without an order from said court. In all cases where such person confined in said hospital shall have recovered his mind, the clerk of the court of the county from which he was committed shall fix the amount of bail required for his appearance at the next

term of the Superior or Criminal Court of his county for trial, except in cases where the offense charged is a capital felony, and in this case only the judge of the Superior Court residing within or holding the courts of said district shall have the power to fix bail. If the person confined in the hospital, and reported sane as aforesaid, shall give the bond fixed by the clerk or judge as above provided for, he shall be discharged by the superintendent, and if he does not give the bond, he shall be transferred to the jail of the county from which he was committed. The superintendent will notify the sheriff of said county, and the sheriff will remove the person to the jail of his county. The sheriff will pay the expenses of such removal, and the county of the person's settlement will repay the sheriff for his expenses and services.

C. S. 6241. **Ex-convicts with homicidal mania committed to hospital.** Whenever any person who has been confined in the State prison under sentence for the felonious killing of another person, and who has been discharged therefrom at the expiration of his term of sentence, or as the result of executive clemency, shall thereafter so act as to justify the belief that he is possessed of a homicidal mania, and shall be duly adjudged insane, in accordance with the provisions of article three of this chapter, the clerk of the Superior Court or other officer having jurisdiction of the proceedings in which such person shall be adjudged insane may, in his discretion, commit such person to the State hospital designated in section 6236, as authorized and provided in this chapter.

C. S. 6242. **Hospital authorities to receive and treat such patients.** It shall be the duty of the duly constituted authorities of the State hospitals designated in this act for the insane to receive all such insane persons as shall be committed to said institutions in accordance with the provisions of this law, and to treat and care properly for the same until discharged in accordance with the provisions of the law.

See Biennial Report of Attorney Gencral—1924-1926—*Pages* 289, 300.

INEBRIATES

C. S. 2304(a). **"Inebriate" defined.** For the purposes of this law, the word "inebriate" is defined to be a person habitually so addicted to alcoholic drinks or narcotic drugs as to be a proper subject for restraint, care, and treatment.

C. S. 2304(b). **Petition for examination; warrant for hearing; action without petition; evidence.** Upon petition of two citizens, who shall be either the wife, husband, parent, child, committee of the estate of an inebriate, or next friends of such person, the clerk of the Superior Court of the county in which said alleged inebriate resides shall issue his warrant requiring the inebriate, on a day fixed, to be brought into court for a hearing. The petition shall not be considered unless it sets forth that the person named therein is an inebriate within the scope of this law, and unless it be accompanied by the affidavit or affidavits of at least two reputable physicians, stating that they have examined the alleged inebriate, and that he is a proper subject for restraint, care, and treatment, or the clerk may, on his own initiative, where he has information and reasonable grounds to believe that a particular person is an inebriate and is a fit subject for restraint, care, and treatment, cause such person to be brought

before him and proceed to hear and try the question of whether or not he is an inebriate within the definition of the preceding section. If two reputable physicians shall certify before him that such person is an inebriate, he may commit such an inebriate as herein provided to the department of the State hospital at Raleigh provided for the care and treatment of such inebriate.

C. S. 2304(c). **Commitment for treatment; discharge.** If after such hearing the clerk is satisfied that the alleged inebriate is a proper subject for restraint, care, and treatment, he shall commit the inebriate to the department for inebriates at the State Hospital in Raleigh, where he shall be treated, subject to the same rules and regulations as provided for the treatment and cure of curable insane persons, and he shall be discharged therefrom under the same rules and regulations.

C. S. 2304(d). **Inquiry as to estate of inebriate; minors; costs; expenses.** After the clerk shall determine that an inebriate is a fit subject to be committed to the department for inebriates as aforesaid, he shall go further and inquire as to whether said inebriate is indigent or not in such way that he has not in his own right sufficient estate or property to bear the cost and expense of his restraint, care and treatment while in the institution. If he is so indigent, then he shall inquire further whether or not the petitioning wife or husband has sufficient estate to pay such costs. If the inebriate is a minor he shall determine whether his particular guardian or parent has sufficient estate of the inebriate or his own, if a parent, to pay such costs. In any of these instances, if sufficient estate or property is found to pay such costs, the clerk shall adjudge the payment from such estate, and in all cases, if the petitioning parent has property sufficient to pay, he shall be adjudged to pay costs of the treatment of his minor child. But if in none of these cases sufficient property is found to pay such costs and expenses, the inebriate shall be declared indigent and the actual cost and expense of restraint, care, and treatment of indigent inebriates as herein defined shall be borne and paid by the county from which the inebriate is committed: *Provided*, that there shall not be included in such cost and expense any charge except for board and clothing.

C. S. 2304(e). **Inebriate submitting himself for treatment.** Any inebriate within the definition of section 2304(a) who wishes to submit himself for care and treatment in the department for inebriates at the State Hospital at Raleigh, may be received therein as a patient upon his presentation of himself personally at the institution and making arrangements with the superintendent for the actual cost of his detention and treatment. He shall signify his desire in writing, and promise therein to submit himself to the rules and regulations for the government of the institution. When this is done he shall be detained therein and given adequate care and attention. After he has been so detained for thirty days he may secure his release and discharge by ten days notice in writing to the superintendent, or to any one of the assistant physicians in charge of such institution: *Provided*, said physician or physicians are satisfied that said inebriate has sufficiently recovered to return to his home and not become a menace or charge to society.

C. S. 2304(f). **Department for inebriates.** It shall be the duty of the trustees and superintendent of the State Hospital at Raleigh to prepare and set apart a department for such inebriates on or before the first day of May, one thousand nine hundred and twenty-two.

PRIVATE HOSPITALS FOR THE INSANE

C. S. 6219. **Established under license and subject to control of Board of Charities.** It shall be lawful for any person or corporation to establish private hospitals, homes, or schools for the cure and treatment of insane persons, idiots, and feebleminded persons and inebriates; but license to establish said hospitals, homes, or schools must, before the same are opened for patronage, be obtained from the board of charities and public welfare, and said hospitals, homes, or schools shall at all times be subject to the visitation of the said board or any member thereof, and each hospital, home, or school shall make to the board a semi-annual report on the first days of January and July of each year.

In said report shall be stated the number and residence of all patients admitted, the number discharged during the six months preceding, and the officers of the hospital, home, or school. Each hospital, home, or school shall file with the board a copy of its by-laws, rules and regulations, and rates of charges. The books of each hospital, home, or school shall at all times be open to the inspection of the board or any member thereof. The board of charities and public welfare is hereby given the authority to supervise and regulate all private hospitals, homes, and schools established hereafter in this State for the treatment of the above classes of people, and the board shall have power to prescribe all such rules and regulations as they may deem necessary, and shall exercise the power of visitation, and for that purpose may depute any member of their board to visit and supervise any private hospital, home, or school hereafter established under this article. The State Board of Charities may bring an action in the Superior Court of Wake County to vacate and annul any license granted by the board, when it shall appear to the satisfaction of the board that the managers of any private hospital, home, or school have been guilty of gross neglect, cruelty, or immorality.

C. S. 6220. **Counties and towns may establish hospitals.** Any county, city, or town may establish a hospital for the maintenance, care, and treatment of such insane persons as cannot be admitted into a State hospital, and of idiots and feebleminded persons upon like conditions and requirements as are above prescribed for the institution of private hospitals; and the board of charities and public welfare is given the same authority over such hospitals as is given them by the preceding section for private hospitals.

C. S. 6221. **Private hospitals part of public charities.** All hospitals, homes, or schools for the care and treatment of insane persons, idiots and feebleminded persons and inebriates, formed in compliance with the two preceding sections and duly licensed by the board of charities and public welfare, as in this article provided, shall, during the continuance of such license, become and be a part of the system of public charities of the State of North Carolina.

C. S. 6222. **Insane persons placed in private hospital.** Whenever any person shall be found to be insane in the mode hereinbefore prescribed and

such person shall be possessed of an income sufficient to support those who may be legally dependent for support on the estate of such insane person, and, moreover, to support and maintain such insane person in any named hospital without the State, or any private hospital within the State, and such insane person, if of capable mind to signify such preference, shall, in writing, declare his wish to be placed in such hospital instead of being in a State hospital (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian), and two respectable physicians who shall have examined such insane person, with the clerk of the court or justice of the peace who made the examination, shall deem it proper, then it may be lawful for the clerk or justice, together with said physicians, to recommend in writing that such insane person shall be placed in the hospital so chosen, as a patient thereof.

C. S. 6223. **Justice of the peace to report to clerk.** It shall be the duty of the justice, when he shall act, to report the proceedings in such cases to the clerk of the Superior Court of the county in which such insane person may reside or be domiciled.

C. S. 6224. **Clerk to report proceedings to judge.** The clerk of the court shall lay the proceedings before the judge of the Superior Court of the district in which such insane person may reside or be domiciled, and if he approve them, he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by the clerk.

C. S. 6225. **Certified copy and approval of judge sufficient authority.** A certified copy of such proceedings, with the approval of a judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the judge to remove him to the hospital designated.

C. S. 6226. **Examination and commitment to private hospital.** When it is deemed advisable that any person, a citizen of the State of North Carolina, or a citizen of another state or country temporarily sojourning in North Carolina, should be detained in any private hospital within the State, two persons, one of whom must be a physician, not connected with any private hospital, shall make affidavit before a justice of the peace or a clerk of the Superior Court of this State that they have carefully examined the alleged insane person; that they believe him to be a fit subject for commitment to a hospital for the insane, and that his detention and treatment will be for his advantage and benefit. This certificate shall be filed and approved by the clerk of the Superior Court in the county in which the examination is held, or in the county in which the private hospital is located, and a certified copy of this certificate and approval of the clerk shall be deposited with the superintendent of the private hospital as his authority for holding the insane person. The clerk of the court may, if he sees fit, issue warrants and have the alleged insane person before him in manner prescribed in article three of this chapter for the examination and admission to State hospitals, and he may, if he sees fit, order any insane person brought before him to be taken to a private hospital within the State instead of one of the State hospitals, and his warrant shall be sufficient authority for holding such insane person in such private hospital. Idiots, feebleminded persons, and inebriates may be committed to and held in private hospitals or homes in this State in the manner

hereinbefore prescribed for insane persons: *Provided*, that a period of detention in a private hospital or home of not less than one month and not more than six months shall be prescribed for inebriates, at the discretion of the clerk of the Superior Court approving the commitment.

C. S. 6227. **Patients transferred from State hospital to private hospital.** When it is deemed desirable that any inmate of any State hospital be transferred to any licensed private hospital within the State, the executive committee may so order, and a certified copy of the commitment on file at the State hospital and the order of the executive committee shall be sufficient warrant for holding the insane person, idiot, or inebriate by the officers of the private hospital.

C. S. 6228. **Guardian of insane person to pay expenses out of estate.** It shall be the duty of any person having legal custody of the estate of an insane person, idiot, or inebriate legally held in a private hospital to supply funds for his support in the hospital during his stay therein, and so long as there may be sufficient funds for that purpose over and beyond maintaining and supporting those persons who may be legally dependent on the estate.

C. S. 6229. **Fees and charges for examination.** The fees and charges for examination for admission to private hospitals shall be the same as for examinations for admission to the State hospitals.

MOTHERS' AID

C. S. 5067(a). **Allowance by counties authorized.** The boards of county commissioners of the several counties of the State are authorized, in their discretion, to make an allowance to any eligible mother (as hereinafter explained and defined) for her support, where she is left with a child or children under fourteen years of age under the conditions hereinafter set forth.

C. S. 5067(b). **Determination of amount; recommendation.** The county board of charities and public welfare of any county, after investigation by the county superintendent of welfare, may determine what amount within the provisions of this article is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age.

C. S. 5067(c). **Maximum allowances; extraordinary circumstances.** The maximum amount to be allowed per month under this article shall not exceed fifteen dollars for one child, ten dollars additional for the second child, and five dollars additional for the third child, or any excess of three: *Provided*, the total amount shall not exceed forty dollars, except in extraordinary circumstances in which it appears to the satisfaction of the board of county commissioners that a total of forty dollars per month would be insufficient to secure the purposes above set forth.

See Biennial Report of Attorney General—1924-1926—*Page* 281.

C. S. 5067(d). **Eligibility; aid by relatives or charitable associations.** To be eligible to apply for mothers' aid a woman must be the mother of a child or children under fourteen years of age, a resident of the State of North Carolina for three years, and a resident of the county for one year preceding, and possessed of sufficient mental, moral and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or if the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any relative or charitable organization, the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be necessary, in their opinion and judgment.

C. S. 5067(e). **Approval by juvenile court.** Any board of county commissioners, taking advantage of the provisions of this statute may require that the report of the investigation of the county superintendent of welfare in every case shall be presented to and approved by the judge of the juvenile court in that county before making an appropriation.

C. S. 5067(f). **Oversight of administration of law; reports of county superintendent; notice from State board to county.** The State board of charities and public welfare shall have general oversight of the administration of this article with the view to making it uniform throughout the State; shall furnish all necessary blanks and give such advice and help as it can in order to aid in efficiently securing its purpose. The county superintendent of public welfare shall make his report on any case to the board of county commissioners in duplicate, one copy of which shall be forwarded at once, with the action of the board of county commissioners endorsed thereon, to the State board of charities and public welfare and one filed by the board of county commissioners with its records in the case. The State board of charities and public welfare shall at once notify the board of county commissioners of its approval or disapproval for reimbursement as provided in 5067(h), and the said board may suggest additional requirements for the consideration of the board of county commissioners.

C. S. 5067(g). **Determination of monthly allowance; order for payment.** After investigation by the county welfare officer, when the board of county commissioners shall adjudge that a mother is entitled to aid under this article, said board of county commissioners shall determine the monthly amount that the board of county commissioners may allow, and order its treasurer in writing to pay said amount to the person designated by it, and continue the same monthly until the order be changed or the expiration of the time for which the order is limited.

C. S. 5067(k). **Statements furnished to State board; approval vouchers.** At the end of each fiscal quarter the treasurer of the county wherein aid has been granted shall furnish an itemized statement in each case of amounts paid, duly certified by him under oath, to the State board

of charities and public welfare. If each case thereon shall have been approved by the State board of charities and public welfare and all required regulations of this article shall have been fulfilled, the State board of charities and public welfare shall certify the amount to the State treasurer, whereupon the State treasurer shall immediately make out and forward to such county treasurer his voucher for one-half of the total amount certified as having actually been paid out by the county. Such voucher shall be made out against any fund in the treasury not otherwise appropriated: *Provided*, that if the board of county commissioners of any county shall fail to enter into an agreement with the State, on or before the first Monday of June, 1925, or on or before the first Monday in June of any succeeding year, that they will meet the State apportionment for Mothers' Aid in such counties for the ensuing fiscal year, in accordance with the provisions of this act, then the amount apportioned to that county shall revert to the general Mothers' Aid Fund and be available for apportionment to the counties complying with the provisions of this act, on the basis of the population of these counties.

CHAPTER 79
(FROM THE MAINTENANCE ACT OF THE GENERAL ASSEMBLY OF 1927.)

SEC. 5. Twenty thousand ($20,000) dollars of the appropriation or so much thereof as may be necessary, made to the State Board of Charities and Public Welfare for Mothers' Aid under title IV, 4, (2) of section one of this act shall be expended by the State Board for the aid of suffering families of prisoners confined to the State's penitentiary or other penal institutions in the State or the various counties of the State, said sum so expended under the same supervision as other funds of said Mothers' Aid Fund.

PARDON AND PAROLE

C. S. 7697(a). **Governor authorized appoint commissioner of pardons.** The Governor is hereby authorized and empowered to appoint a commissioner of pardons whose duty it shall be to assist the Governor in connection with applications for pardons, commutations and reprieves; that said commissioner shall give his whole time to the State; and when not engaged in duties relating to applications for pardon, commutations and reprieves, he shall devote his time to such other duties in connection with the executive department of the State government as may be assigned to him by the Governor; that he shall at all times be subject to direction by the Governor, and shall perform his duties under rules and regulations to be prescribed by the Governor.

PENAL INSTITUTIONS

COUNTY PRISONS AND PRISONERS

(The following sections out of the laws governing the State Prison seem to apply specifically to prisoners in the county prison camps: C. S. 7713; C. S. 7714; C. S. 7730; C. S. 7731; C. S. 7740; C. S. 7741; C. S. 7750; and C. S. 7754). *See page* 105 *and following.*

C. S. 1317. **Courthouse and jail built and repaired by commissioners.** There shall be kept and maintained in good and sufficient repair in every county a courthouse and common jail, at the expense of the county wherein the same is situated. The boards of commissioners of the several

counties respectively shall lay and collect taxes, from year to year, as long as may be necessary, for the purpose of building, repairing and furnishing their several courthouses and jails, in such manner as they think proper; and from time to time shall order and establish such rules and regulations for the preservation of the courthouse, and for the government and management of the prisons, as may be conducive to the interests of the public and the security and comfort of the persons confined.

C. S. 1318. **Jail to have five apartments.** The common jails of the several counties shall be provided with at least five separate and suitable apartments, one for the confinement of white male criminals; one for white female criminals; one for colored male criminals; one for colored female criminals; and one for other prisoners.

C. S. 3944. **Custody of jail.** The sheriff shall have the care and custody of the jail in his county; and shall be, or appoint, the keeper thereof.

See Biennial Report of Attorney General—1923-1924—*Page* 237.

C. S. 3919. **Fees of jailers.** Jailers shall receive, for furnishing prisoner with fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, with every necessary attendance, a sum not exceeding fifty cents per day, unless the board of commissioners of the county shall deem it expedient to increase the fees, which it may do provided such increase shall not exceed fifty per cent on the above sum.

C. S. 4407. **Injury to prisoner by jailer.** If the keeper of a jail shall do, or cause to be done, any wrong or injury to the prisoners committed to his custody, contrary to law, he shall not only pay treble damages to the person injured, but shall be guilty of a misdemeanor.

C. S. 4408. **Confining prisoners to improper apartments.** If the sheriff or jailer shall wantonly or unnecessarily confine those committed to his custody in any apartment, other than that provided and designated by law for persons of the description of the prisoner, he shall be guilty of a misdemeanor.

C. S. 1319. **To be heated.** It is the duty of the board of commissioners in every county to have the common jail so heated by furnaces, stoves, or otherwise, as to render them warm and comfortable. A failure to discharge the duty herein specified shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

C. S. 1320. **Bedding to be furnished.** The board of county commissioners, from time to time, as may be necessary, shall order the sheriff of the county to purchase, for the use of their jail, a certain number of good, warm blankets or other suitable bedclothing, which shall be securely preserved by the jailer, and furnished to the prisoners for their use and comfort, as the season or other circumstances may require; and the sheriff, at least once in every year, shall report to the board of commissioners the condition and number of such blankets and bedclothing.

C. S. 1321. **Prison bounds.** For the preservation of the health of persons committed to jail, the board of commissioners of each county shall mark out such a parcel of land as they think fit, not exceeding six acres, adjoining the prison, for the rules thereof; and every prisoner not committed for treason or felony, giving bond with good security to the sheriff of the county to keep within the rules, shall have liberty to walk therein, out of the prison, for the preservation of his health; and on keeping continually within the said rules, shall be deemed to be in law a true prisoner. In order that every person may know the true bounds of said rules, they shall be recorded in the county records, and the marks thereof shall be renewed as occasion may require.

C. S. 1346. **Jailer to cleanse jail, furnish food and water.** The sheriff or keeper of any jail shall, every day, cleanse the room of the prison in which any prisoner is confined, and cause all filth to be removed therefrom; and shall also furnish the prisoner plenty of good and wholesome water, three times in every day; and shall furnish each prisoner fuel, not less than one pound of wholesome bread, one pound of good roasted or boiled flesh, and every necessary attendance.

C. S. 1347. **Prisoner to pay charges and prison fees.** Every person committed by lawful authority, for any criminal offense or misdemeanor, shall bear all reasonable charges for guarding and carrying him to jail, and also for his support therein until released; and all the estate which such person possessed at the time of committing the offense shall be subjected to the payment of such charges and other prison fees, in preference to all other debts and demands. If there is no visible estate whereon to levy such fees and charges, the amount shall be paid by the county.

C. S. 1348. **Prisoner may furnish necessaries.** Prisoners shall be allowed to purchase and procure such necessaries, in addition to the diet furnished by the jailer, as they may think proper; and to provide their own bedding, linen and clothing, without paying any perquisite to the jailer for such indulgence.

C. S. 1349. **United States prisoners to be kept.** When a prisoner is delivered to the keeper of any jail by the authority of the United States, such keeper shall receive the prisoner, and commit him accordingly; and every keeper of a jail refusing or neglecting to take possession of a prisoner delivered to him by the authority aforesaid shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the State. The allowance for the maintenance of any prisoner committed as aforesaid shall be equal to that made for prisoners committed under the authority of the State.

C. S. 1353. **Where no jail, sheriff may imprison in jail adjoining county.** The sheriffs, constables, and other ministerial officers of any county in which there is no jail have authority to confine any prisoner arrested on process, civil or criminal, and held in custody for want of bail, in the jail of any adjoining county, until bail be given or tendered. And any sheriff or jailer having a prisoner in his custody, by virtue of any mode of commitment provided in this chapter, shall be liable, civilly and criminally, for his escape, in the manner as if such prisoner had been confined in the prison of his proper county.

C. S. 1354. **Where no jail, courts may commit to jail of adjoining county.** Whenever there happens to be no jail, or when there is an unfit or insecure jail, in any county, the Superior Court judges, justices of the peace, and all judicial officers of such county may commit all persons brought before them, whether in a criminal or civil proceeding, to the jail of any adjoining county, for the same causes and under the like regulations that they might have ordered commitments to the usual jail; and the sheriffs, constables, and other officers of such county in which there is no jail, or an unfit one, and the sheriffs or keepers of the jails of the adjoining counties, shall obey any order of commitment so made. Any officer failing to obey such order shall be guilty of a misdemeanor.

See Biennial Report of Attorney General—1923-1924—*Page* 237.

C. S. 1356. **Counties and towns may hire out certain prisoners.** The board of commissioners of the several counties, within their respective jurisdictions, or such other county authorities therein as may be established, and the mayor and intendant of the several cities and towns of the State, have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public highways, public works, or other labor for individuals or corporations, of all persons imprisoned in the jails of their respective counties, cities and towns, upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all the costs which they are adjudged to pay, or to give good and sufficient security therefor: *Provided*, such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. The amount realized from hiring out such persons shall be credited to them for the fine and bill of costs in all cases of conviction. It is unlawful to farm out any such convicted person who may be imprisoned for the nonpayment of a fine, or as punishment imposed for the offense of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize.

C. S. 1358. **Sheriff to have control of prisoners hired out.** All convicts hired or farmed out by the county or other municipal authorities shall at all times be under the supervision and control, as to their government and discipline, of the sheriff, or his deputy, of the county in which they were convicted and imprisoned, and the sheriff, or his deputy, shall be deemed a State officer for the purpose of this section.

See Biennial Report of Attorney General—1923-1924—*Pages* 249, 250.

C. S. 1359. **Convicts who may be sentenced to or worked on roads.** When any county has made provision for the working of convicts upon the public roads, or when any number of counties have jointly made provision for working convicts upon the public roads, it is lawful for and the duty of the judge holding court in such counties to sentence to imprisonment at hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jail or in the State's Prison, the following classes of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly, or in part, imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise, wholly or in part, be imprisonment in the State's Prison for a term not exceeding ten years.

In such counties there may also be worked on the public roads, in like manner, all persons sentenced to imprisonment in jail by any magistrate; and also, all insolvents imprisoned by any court in said counties for non-payment of costs in criminal causes may be retained in imprisonment and worked on the public roads until they repay the county to the extent of the half fees charged up against the county for each person taking the insolvent oath. The rate of compensation to be allowed each insolvent for work on the public roads shall be fixed by the county commissioners at a just and fair compensation, regard being had to the amount of work of which each insolvent is capable.

C. S. 1361. **Convicts sentenced to roads to be under county control.** The convicts sentenced to hard labor upon the public roads, under second section preceding, shall be under the control of the county authorities, and the county authorities have power to enact all needful rules and regulations for the successful working of convicts upon the public roads. The county commissioners may work such convicts on the public roads or in canaling the main drains and swamps or on other public work of the county.

NOTE. **Flogging prisoners.** See State v. Revis, N. C. Reports Vol. 193, pages 192-199.

C. S. 4409. **Requiring female prisoners to work in chain gang.** If any officer, either judicial, executive or ministerial, shall order or require the working of any female on the streets or roads in any group or chain gang in this State, he shall be deemed guilty of a misdemeanor.

C. S. 3678. **Prisoners on roads.** Any person in any county that has a county road commission appointed under the provisions of this article, who shall be convicted in any of the courts of said county, Superior, justice's or mayor's courts, and sentenced to work on the public roads, shall be assigned into the custody and control of the county road commission by the board of county commissioners when said board is so requested by the county road commission. Said prisoners while in the custody and under the control of the said county road commission shall be employed on such road work as may be deemed best by the county road commission, and the expense of maintaining and guarding said convicts while so employed may be paid by the board of county commissioners out of the general fund of the county upon vouchers approved by the chairman and secretary of the county road commission. The county road commission shall have direct supervision of the care, feeding and clothing of said prisoners, and shall provide the necessary sleeping quarters and camps necessary for the proper care of said prisoners. All prisoners' camps shall be maintained in a sanitary manner approved by the State Board of Health.

(CHAPTER 178, PUBLIC LAWS OF 1927)

TO REQUIRE UNIFORM CLASSIFICATION OF PRISONERS OTHER THAN STATE PRISONERS.

SECTION 1. The board of county commissioners, or such governing body as may have charge of prisoners in any county, city or town in the State of North Carolina, shall divide all prisoners into three classes, or grades, as follows:

In the first class shall be included all those prisoners who have given evidence that they will, or who it is believed will observe the rules and reg-

ulations and work diligently and are likely to maintain themselves by honest industry after their discharge. These shall be known as Grade A prisoners and shall receive a commutation of their sentence at the rate of one hundred and four days for each year served.

In the second class shall be included those prisoners who have not as yet given evidence that they can be trusted entirely, but are reasonably obedient to the rules and regulations. These shall be known as Class B prisoners and shall receive a commutation of their sentences at the rate of seventy-eight days for each year served.

In the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. Such prisoners shall receive no commutation of their sentences.

All prisoners shall be admitted into Class B except where it is known by the superintendent of the prison that a prisoner is serving for a second offense. In such cases the superintendent may put the prisoner in Class C, in his discretion.

Prisoners of Class A shall be known as honor prisoners and shall be worked without stripes and in the discretion of the superintendent of the prison without guards. When in prison camps or in any other places of detention they may not be chained or under armed guards.

Prisoners in Class B shall wear stripes, if felons, be under guard and may or may not be chained in the discretion of the superintendent.

Prisoners in Class C shall wear stripes, if felons, wear chains during the day or night as in the opinion of the superintendent may be necessary.

Preference in assignment of work shall be given Class A prisoners.

The purpose of this act is to unify the regulations pertaining to county prisoners and to encourage industriousness among the prisoners.

SEC. 2. That the superintendent or other person having charge of prisoners shall keep a record showing the name, age, date of sentence, length of sentence, crime for which convicted, home address, next of kin, and the conduct of each prisoner received.

C. S. 1365. **Commissioners may establish houses of correction.** The board of commissioners may, when they deem it necessary, establish within their respective counties one or more convenient institutions to be known as houses of correction, or, in the discretion of the board of commissioners, as training schools, municipal farms, or juvenile farms, with workshops and other suitable buildings for the safe keeping, correcting, governing, and employing of offenders legally committed thereto. They may also, to that end, procure machinery and material suitable for such employment in said institutions, or on the premises; and moreover attach thereto a farm or farms; and all lands purchased for the purposes aforesaid shall vest in the directors hereinafter provided for, and their successors in office. The said board also has power to make, from time to time, such rules and regulations as it may deem proper for the kind and mode of labor and the general management of the said institutions.

C. S. 1366. **Who must or may be committed to such institutions.** It shall be the duty of the judges of the criminal courts and other committing

magistrates of such county or counties to sentence or commit thereto all youthful offenders of the age of sixteen years and under, convicted of any crime or misdemeanor whereof the punishment by statute prescribes a fine or sentence of imprisonment or working the roads. Said judges, and committing magistrates may also sentence thereto any female prisoners and such other offenders convicted of misdemeanors who by reason of physical infirmities or mental deficiencies ought not to be imprisoned in the county jail or worked on the public roads. Nothing herein shall be construed to prevent the working at light labor of any partially disabled or infirm convict, or female prisoner, on or about any of the public works, buildings, or grounds in any such county at and upon the request of the board of county commissioners, with the approval of the court or committing magistrate.

C. S. 1369. **Governor to be notified of establishment.** When any institution is established in pursuance of this article, it is the duty of the chairman of the board of commissioners of the county wherein the same is established to certify the fact to the Governor, who shall cause it to be noted in a book kept for that purpose.

C. S. 1370. **Directors to be appointed; duties.** The board of commissioners shall annually appoint not less than five or more than nine directors for each institution hereunder established, whose duty it is to superintend and direct the manager herein named in the discharge of his duties; to visit said houses at least once in every three months; to see that the laws, rules and regulations relating thereto are duly executed and enforced, and that the persons committed to his charge are properly cared for, and not abused or oppressed. The directors shall keep a journal of their proceedings, and publish annually an account of the receipts and expenditures. They shall further make a quarterly report to their respective county commissioners of the general condition of their charge, and of the receipts and expenditures of the institution. They shall also make such by-laws and regulations for the government thereof as shall be necessary, which shall be reported to and approved by the said commissioners. The directors shall be paid for the services rendered, by the county treasurer, each director first making it appear to the satisfaction of the board of county commissioners, by his oath, the character and extent of the services rendered for which he claims compensation; and such payment shall be made by the county treasurer out of any funds in his hands not otherwise appropriated.

C. S. 1372. **Manager to be appointed; bond, duties.** The board of commissioners shall appoint a manager for each house or establishment, who shall give a bond, with two or more solvent sureties, in such sum as may be required, payable to the State of North Carolina, conditioned for the faithful discharge of his duties. He shall hold his office during the pleasure of the board, and be at all times under the supervision of the directors; and in case of his misconduct, of which they shall be the sole judges, he may be forthwith removed by them and a successor appointed, who shall discharge the duties of the office until another manager is appointed by the board of commissioners. It is the duty of the manager to receive all persons sent to the house of correction, to keep them during the time of their sentence, and to employ and control them according to the rules and regulations established therefor. He shall have the direction and control over the subordinate officers, assistants and servants, who may be appointed by the directors. He shall make monthly reports to the directors of his management of the institution and his receipts and expenditures.

C. S. 1373. **Manager to assign employment to inmates.** The manager shall assign to each person sent to such institution the kind of work in which such person is to be employed.

C. S. 1374. **Compensation of officers.** The said board of commissioners shall direct what compensation the manager and such subordinate officers, assistants and servants, as shall be appointed, shall receive, and shall provide for the payment thereof.

C. S. 1375. **Sheriff to convey persons committed.** When a person is sentenced to such institution he shall forthwith be committed by the court to the custody of the sheriff, to whom the clerk shall immediately furnish a certified copy of the sentence, in which it shall be stated (if the fact be so) that the offender is committed as a vagrant. The sheriff shall convey the offender to the institution, and deliver him to the manager with the certified copy as aforesaid, and take the manager's receipt for the body; which receipt the sheriff shall return to the clerk of the board of commissioners, with his indorsement of the time when the offender was committed to him and delivered to the manager, and the clerk shall record the same in a book kept for that purpose, and file the original with the papers in the case.

C. S. 1376. **Absconding offenders punished.** If any offender absconds, escapes, or departs from any such institution without license, the manager has power to pursue, retake and bring back, and to require all necessary aid for that purpose; and when brought back, the manager may confine him to his work in such manner as he may judge necessary, or may put him in close confinement in the county jail or elsewhere, until he submits to the regulations of such institution; and for every escape each offender shall be held to labor in such instituiton for the term of one month in addition to the time for which he was first committed.

NOTE: The guard has no authority to kill one convicted of a misdemeanor while fleeing to escape, unless he offers resistance or shows force. *See Holloway, Admr., v. Moser, N. C. Reports, Vol.* 193, *Pages* 185-192.

C. S. 1377. **Release of vagrants.** If a person committed as a vagrant behaves well and reforms, he may, on the certificate of the manager, be released by the directors. But if otherwise committed, he may be released by the committing authority, upon the certificate of the manager and directors, upon such conditions as they may deem proper.

C. S. 1379. **Counties may establish joint house of correction.** Any two or more counties, acting through their respective boards of commissioners, may jointly establish one or more convenient houses of correction, as is provided in the preceding sections, for the joint use of the counties so agreeing together; and the same may be established at such place or places, and be in all respects managed under such by-laws, rules and regulations as a majority of the general board of directors, to be appointed as hereinafter directed, shall determine.

HEALTH OF PRISONERS.

C. S. 7207. **Tuberculous county prisoners to be segregated.** The board of county commissioners of the respective counties of North Carolina shall provide in the jail-house or in any camp or place where prisoners are committed for keeping or sentenced to a term of imprisonment in any county in the State of North Carolina, separate cells or rooms or a place in which shall be confined any prisoner or prisoners who may be committed for keeping or sentenced to said prison or place of confinement for a term of imprisonment, who has been examined by the county physician or county health officer and pronounced to be affected with tuberculosis.

C. S. 7208. **Sheriff to have prisoners suspected to be tuberculous examined and separated.** When a prisoner is placed in the custody of a sheriff for the purpose of being committed to jail or to any place where prisoners are kept, and the sheriff has reason to believe or suspect that the prisoner is suffering with tuberculosis, it shall be the duty of the sheriff to have such prisoner examined by the county physician or county health officer, and if upon examination the prisoner is pronounced tubercular, then he shall be separated from other prisoners and confined in a separate cell or other place of confinement.

C. S. 7211. **Prison authorities to have prisoners suspected to be tuberculous examined.** When a prisoner is committed to any prison or place of confinement designated in this article, and the sheriff of the county, the warden of the State's Prison or other authorities of the prison know or suspect the prisoner to be suffering with tuberculosis, it shall be the duty of such authorities to cause the prisoner to be examined by the county physician, the county health officer, or the physician in charge within five days after the prisoner has been committed or sentenced to the prison.

C. S. 7212. **Prisoners may be worked together.** Nothing contained in any of the preceding sections of this article shall be so construed as to interfere with or prevent the county or State authorities from working together all prisoners on public works as now provided for by law.

C. S. 7216. **Health authorities to examine all prisoners.** It shall be the duty of every county physician or city physician, or county health officer or city health officer, or other physician having in charge the medical care of prisoners in any city or county in this State, or on any public or private works where prisoners or convicts are employed, to make a thorough physical examination of every prisoner committed to the county or city jail or to the county or city chain gang or road force, or any public or private works within forty-eight hours after the admission of such prisoner; and when he finds a prisoner suffering with tuberculosis, he shall make a written report of same to the State Board of Health, stating in detail the conditions found and the stage of the disease, within twenty-four hours after making such diagnosis, and he shall also report same to the superintendent of the chain gang or the jailer or the superintendent of the public or private works, and to the sheriff of the county, in writing, within twenty-four hours after having made such diagnosis of tuberculosis.

C. S. 7217. **Officials in charge of prisoners to report on health.** Every superintendent of convicts, or superintendent of public or private works where convicts are employed, and the superintendent of the central prison

and State farm, and every jailer, shall make such reports as to the existence of cases of tuberculosis or suspected cases of tuberculosis, or other disease or diseases, and loss of time on account of sickness, and the disease or diseases causing such loss of time and such other things that may have a bearing on the health of the prisoners and the sanitation of the camp, prison, or jail, to the State Board of Health at such stated periods and on such stated forms as may be requested by the State Board of Health. And every health officer or other physician having charge of prisoners in county convict camps, on county or city roads or streets or public or private works, or in jails or prisons, State, city, or county, shall likewise make such reports to the State Board of Health as to the physical condition and transfer of prisoners and as to the sanitary condition of camps, jails, or prisons, as may be requested by the State Board of Health.

C. S. 7218. **Reports to include transference and particulars as to tuberculous.** The superintendent of the central prison or State farm, convict camps, or of any public or private works where convicts are used, and the jailers of the county jails and the sheriff of the county, and the medical officer connected with any of the above mentioned places where convicts are kept or worked, shall make such reports to the State Board of Health as to transference of prisoners suffering with tuberculosis, giving name of prisoner, length of time said prisoner had been under his jurisdiction, the stage of the disease, point or place to which he was transferred, name and address and official title of the person to whom he was transferred, and such other information as may be requested by the State Board of Health.

STATE PRISON

(Amended by the General Assembly of 1925, Public Laws, Chapter 163.)

C. S. 7698. The State's Prison shall be and continue a department of the State government and it shall be vested with all the property, real and personal, choses in action and other rights now owned, held or enjoyed by the former corporation known as the State Prison.

C. S. 7699. The State Prison Department shall be governed and controlled by a board of directors, except as hereinafter provided, and this board shall consist of a chairman and six other members, all of whom shall be appointed by the Governor, by and with the advice and consent of the Senate. The term of office of the chairman and the six directors shall be four years, which term shall begin at their appointment by the Governor during the session of the General Assembly of one thousand nine hundred and twenty-five; and quadrennially thereafter.

C. S. 7703. **Directors to employ servants and agents.** The board of directors, by and with the consent and approval of the Governor, are authorized to employ such managers, superintendents and wardens as they may deem necessary; and the board of directors are further authorized to employ such physicians, supervisors, overseers and other servants and agents as they may deem necessary for the management of the affairs of the State Prison Department, and the safekeeping and employment of the convicts therein confined. The compensation and duties of the managers, superintendents, and wardens shall be fixed by the board of directors, by

and with the consent and advice of the Governor. The board of directors shall fix the compensation of all physicians, supervisors, overseers and other servants and agents, prescribe their duties by proper rules and regulations, and may discharge them at will. Any manager, superintendent or warden may be discharged by the board of directors, by and with the consent and approval of the Governor.

C. S. 7707. **Custody, employment, hiring out and recapture of convicts.** The board of directors shall make provision for receiving, keeping in custody until discharged by law, all such convicts as may be now confined in said prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The board of directors shall have full power and authority to provide for the employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control and care of the board of directors, or its employees, agents and servants: *Provided, however,* that no female convict shall be worked on public roads or streets in any manner.

SEC. 2. The board of directors may provide for the recapture of convicts that may escape from such prison and may pay such reward and expense of recapture to any person making the same. Any citizen of North Carolina shall have authority without warrant to apprehend any convict who may escape before the expiration of the term of his imprisonment, and to retain him in custody and redeliver him to the State Department.

C. S. 7712. **Work of convicts on public roads.** The board of directors of the State Prison Department are authorized to work the prisoners committed to their charge on the public roads of the State by organizing State camps for housing and feeding the prisoners while at work on such roads, but the construction of such camps must be in accordance with plans approved by the State Highway Commission and the State Board of Health, but if worked upon the public roads of any county or subdivision thereof, then such county or subdivision shall pay to the State Prison such compensation as may be agreed upon by such county, or subdivision thereof, and the board of prison directors.

C. S. 7713. **Supervision of jails and camps by Board of Health.** The State Board of Health shall have the same supervision of all jails, county camps or other places of confinement of county or city prisoners in regard to the method of construction, sanitary or hygienic care as they have over the State Prison Department and no jail, county camp, or other place of confinement of county or city prisons shall be constructed or used as such for a period of six months. unless the State Board of Health shall have approved the same, and the violation of this section shall constitute a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

C. S. 7714. **Sanitary and hygienic care of prisoners.** The sanitary and hygienic care of the prisoners shall be under the direction, supervision and regulation of the State Board of Health, and all camps and camp equipment shall conform to the plans and specifications of and be approved by the State Board of Health; and the board of directors of the State prison

shall do such things as may be necessary to carry out the recommendations of the State Board of Health. The supervision of the State Board of Health shall apply to the State Prison, the State farms, and county or State camps or other places where the prisoners are confined or housed, and such recommendations as shall be made by the State Board of Health regarding clothes, bedding, table-ware, and bathing for the prisoners shall be carried out by the board of directors of the State Prison.

C. S. 7715. **Quarters at State farm.** In order to erect suitable quarters for the prisoners kept at the State farms, the board of directors of the State Prison Department is authorized and directed to spend a sufficient amount of the funds, under the control of the Board for permanent improvements, to pay for the erection of sanitary quarters for the prisoners with individual cells, when cells are deemed necessary, for each prisoner, and the plans and specifications for the erection of such quarters shall be approved by the State Board of Health.

C. S. 7716. **What prisoners sent to State Prison.** All persons convicted of crime punishable by imprisonment in the State Prison in any of the courts of this State whose sentence shall be for five years or more shall be sent to the State Prison.

See Biennial Report of Attorney General—1924-1926—*Pages* 74, 75.

C. S. 7717. **Convicts sent to place of labor.** The board of directors shall, as far as practicable, make arrangements for the conveying of convicts from the places where convicted direct to the place where they are to be worked, when it would be to the interest of the State to do so.

C. S. 7718. **To be sent within five days.** The sheriff, having in charge any prisoner sentenced to the State Prison Department shall proceed to send him to the State Prison Department or place of assignment within five days after the adjournment of the court at which he was sentenced, if no appeal has been taken.

C. S. 7720. **State not liable for expenses before convicts received.** The State is not liable for the expenses of maintaining convicts until they have been received by the State Prison Department authorities, nor shall moneys be paid out of the treasury for support of convicts prior to such reception.

C. S. 7721. **Board to make regulations.** The board of directors is authorized to adopt such rules and regulations for enforcing discipline as their judgment may indicate, not inconsistent with the constitution and laws of the State. And they shall print and post the same in the cells of the convicts and the same shall be read to every convict in the State Prison Department when received.

C. S. 7722. **Infraction of rules recorded.** The board of directors shall require to be kept a book in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their monthly meeting.

C. S. 7723. **Prisoners classified and distinguished.** The board of directors of the State Prison Department shall direct the classification of all male prisoners committed to their charge into three classes or grades, as follows: In the first class shall be included all those prisoners who have given evidence that they will, or whom it is believed will, observe the rules and regulations and work diligently, and are likely to maintain themselves by honest industry after their discharge; in the second class shall be included those prisoners who have not as yet given evidence that they can be trusted, but are competent to work and are reasonably obedient to the rules and regulations of the institution; and in the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations, and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. The men of the first class shall be known as honor men, and when grouped together in camps as hereinafter provided for the camp shall be known as "honor camp," and they shall wear a distinctive but not very conspicuous uniform, and shall be worked without guards, and when in prison or camps, or in any other place of detention, they shall not be chained or under armed guards at night. The men of the second class shall wear a conspicuous uniform, and shall be worked under armed guards, but shall not wear chains, while at work, but may or may not be chained at night, in the discretion of the superintendent. The men of the third class shall be dressed in stripes, shall be worked under armed guards, wear chains during the day, whether this is considered necessary, and be chained at night when in camp, and shall be worked as far as possible in stockades, inclosing rock quarries, but may be worked on public roads in camps containing only this class of men, at the discretion of the superintendent, or that may hereafter be made by the General Assembly. The classification of male prisoners shall apply to female prisoners so far as it relates to commutation of time and pay for their work. Honor men may be worked wherever any work is being carried on by the prison, provided their privileges and immunities as set forth in this section are in no wise abridged.

C. S. 7724. **Assignment to classes and changes.** Persons sentenced to the penitentiary or State Prison Department, for the first time shall be placed in the first or second class, but the assignment of a prisoner to any one of the three classes referred to in this article shall not be considered to mean that such prisoner must remain in such class, but a prisoner may be changed from a lower to a higher class, or from a higher to a lower class, depending upon his behavior, and it is the purpose and intent of this section to direct the board of directors of the State Prison to encourage and assist the men to improve themselves that they can be transferred from a lower to a higher class or grade.

C. S. 7725. **Commutation of time.** The men of the first class shall be allowed a commutation of their sentence of one hundred and four days for each year served, and the men of the second class shall be allowed a commutation of their sentence of seventy-eight days for each year they serve, and the men of the third class shall be allowed a commutation of their sentence of fifty-two days for each year they serve. If a man remains in the third class for three continuous years, he shall not be allowed any further commutation of time. In the event any prisoner shall be sentenced for a less period of time than one year, said prisoner shall be entitled to a proportionate commutation of his sentence. The board of

directors of the State Prison Department, by and with the advice and consent and approval of the Governor, and Commissioner of Public Welfare, may make such regulations and pay such sums to prisoners at the expiration of their sentence as may in their judgment adequately aid such prisoners in securing employment and in defraying their expenses to the place of such employment within this State, or to the place from which said prisoners were sent to the State Prison, having due regard to article eleven, section eleven, of the Constitution, "that all penal and charitable institutions shall be made as nearly self-supporting as is consistent with the purposes of their creation."

C. S. 7726. **Employment at useful labor.** The board of directors of the State Prison Department shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farms, or reformatories in the State, so far as is practicable, cause all the prisoners in such institutions who are physically capable thereof to be employed at useful labor.

C. S. 7727. **Prisoners examined for assignment to work.** Each prisoner committed to the charge of the board of directors of the State Prison Department shall be carefully examined by a competent physician in order to determine his physical and mental condition, and his assignment to labor and the work he is required to do shall be dependent upon the report of said physician as to his physical and mental capacity.

C. S. 7728. **Whipping or flogging prisoners.** It is unlawful for the board of directors of the State Prison to whip or flog or have whipped or flogged, any prisoner committed to their charge until twenty-four hours after the report of the offense or disobedience, and only then in the presence of the prison physician or prison chaplain; and no prisoner other than those of the third class as defined in this article shall be whipped or flogged at any time.

C. S. 7729. **Prisoner's supplies and clothes to be marked.** The prisoner's number shall be used for marking all clothes, bedclothing, beds and other supplies used by prisoners, so that when such clothes, bedclothing, and supplies are washed and cleaned they shall be always returned for the use of the same prisoner.

C. S. 7730. **Uniform for prisoners; felon's stripes.** It is the duty of the several judicial officers of the State, in assigning any person to work the public roads of any county, to designate in each judgment that such as may be convicted of a felony shall wear felon's stripes, and such as are convicted of a misdemeanor shall not wear felon's stripes. In order to carry into effect the provisions of this section, the State Prison Board shall prescribe a uniform to be worn by persons convicted of felony, and a uniform to be worn by persons convicted of a misdemeanor which shall be different and easily distinguished from the uniform of the felon; but the board of directors of the State Prison Department or other governing authority may in their discretion allow prisoners sentenced for misdemeanor only to wear clothes similar to that worn by the ordinary citizen. The board of commissioners of the respective counties in which convicts are worked on the public roads shall provide uniforms of each kind, except in those cases exempted in this section.

C. S. 7731. **Violation as to work in felon's uniform; officer liable.** It shall be unlawful to work persons convicted of a felony in other than the uniform of a felon, or to clothe a person convicted of a misdemeanor in the uniform of a felon. Any superintendent of convicts or other persons in authority who shall violate this law shall be guilty of a misdemeanor; and fined or imprisoned, or both, in the discretion of the court; and moreover, be liable in damage to the party aggrieved, to be recovered in a civil action, which may be brought in either the county from which the party was sentenced or the county in which the wrong was done.

C. S. 7732. **Recreation and instruction of prisoners.** The board of directors of the State Prison Department is authorized and directed to arrange certain forms of recreation for the prisoners, and to arrange so that the prisoners during their leisure hours between work and time to retire shall have an opportunity to take part in games, and attend lectures, and take part in other forms of amusement as may be provided by the board. The board is also authorized and directed to make such arrangements as are necessary to enable classes to be organized amongst the prisoners so that those who desire may receive instruction in various lines of educational pursuits. The board of directors shall utilize, where possible, the services of the prisoners who are sufficiently educated to act as instructors for such classes in education; such service, however, shall be voluntary on the part of the prisoner. The board of directors of the State Prison Department is further authorized and directed to make such arrangements as will be necessary so that religious services may be held for the prisoners on Sunday and at such other times as they may deem wise. The attendance of the prisoners at such religious services shall be voluntary. The provisions of this section shall apply to the State Prison Department, State Farms and State Camps.

C. S. 7733. **Use of intoxicants forbidden to employees.** No one addicted to the use of intoxicating liquors shall be employed as superintendent, warden, guard, or in any other position connected with the State Prison Department, where such position requires the incumbent thereof to have any charge or direction of the prisoners; and any one holding such position, or any one who may be employed in any other capacity in the State Prison Department, who shall come under the influence of intoxicating liquors, shall at once cease to be an employee of any of the institutions and shall not be eligible for reinstatement to such position or be employed in any other position in any of the institutions. Any superintendent, warden, guard, supervisor, or other person holding such position in the State Prison Department who curses a prisoner under his charge shall at once cease to be an employee of the institution and shall not be eligible for reinstatement.

C. S. 7734. **Correspondence of prisoners regulated.** The prisoners confined at any State Prison, State Farm, or State Camp who are in the first class or grade authorized by this article shall be allowed general correspondence privileges in so far as such correspondence does not interfere with the work and discipline of the prison, farm, or camp; prisoners who are in the second class or grade shall be allowed similar correspondence privileges, but somewhat more restricted than those in the first class or grade; and prisoners who are in the third class or grade shall only be allowed such correspondence privileges as may be deemed best

by the superintendent. Any prisoner shall be permitted to write a letter to the Governor of the State at any time he desires, and such letter shall be mailed for him as other letters are mailed.

C. S. 7735. **Divine services; Sunday School.** The board of directors is authorized to provide for divine services for the convicts each Sunday, if possible, and to secure the visits of some minister at the hospital to administer to the spiritual wants of the sick.

C. S. 7736. **Religious instruction at Caledonia farm.** The board of directors of the State Prison Department is authorized and directed, in order to provide religious worship for the prisoners confined in the State's Prison, known as the Caledonia farm, to employ a resident minister of the gospel and to provide for his residence and support in such manner as the board may determine.

C. S. 7738. **Indeterminate sentence and discharge.** The various judges of the Superior Courts of North Carolina are authorized and directed, in their discretion, in sentencing prisoners to the State Prison, to pass upon such prisoner a minimum and maximum sentence, thus making the sentence of the prisoner an indeterminate sentence, and the board of directors of the State Prison Department is authorized and directed to consider at least once every six months the cases of such prisoner as have been committed to the State Prison with an indeterminate sentence, as to whether such prisoner is entitled to a discharge, and to take into consideration the prisoner's record since committed to the charge of the board of directors of the State Prison Department: *Provided*, that the prisoner has served the minimum time to which he was sentenced after allowing credit for good behavior as authorized by law.

See Biennial Report of Attorney General—1923-1924—*Page* 251.

C. S. 7739. **Application for pardon to include record.** Any application for the pardon of a prisoner committed to the discharge of the board of directors of the State Prison shall include a record of such prisoner since he was committed to the charge of the board; and in determining whether or not a parole or pardon shall be granted, consideration shall be given to the record of such prisoner; and the record of such prisoner shall be available to those making the application.

C. S. 7740. **Prisoners of different races kept separate.** White and colored prisoners shall not be confined or shackled together in the same room of any building or tent, either in the State Prison or at any State or county convict camp, during the eating or sleeping hours, and at all other times the separation of the two races shall be as complete as practicable. Any officer or employee of either the State or any county in the State having charge of convicts or prisoners who shall violate or permit the violation of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

C. S. 7741. **Separation of youthful prisoners.** Youthful convicts shall be kept separate from old and hardened criminals in sleeping quarters.

C. S. 7742. **Punishment for recaptured prisoners.** If a prisoner of the first or second class or grade attempts to escape or leaves the State Prison, State Farm, or State Camp without permission, he shall, upon being recaptured, be reduced to the third class or grade and shall permanently lose all his accumulated time and money; and the board of directors of the State Prison Department is authorized and directed to use every means possible to recapture any escaping or leaving, without permission, any of the State Prisons, Camps, or Farms, regardless of expense.

C. S. 7743. **Recapture of escaped felons; reward.** It is the duty of the superintendent of the State Prison Department, when any person escapes from the State Prison Department who has been confined or placed to work, to immediately notify the Governor, and to accompany such notice with a full description of the escaped, together with such information as will be of service in the recapture. The Governor is authorized to offer such reward as he may deem advisable and necessary for the recapture and return to the State Prison Department of any person who may escape or who heretofore has escaped therefrom. Such reward earned shall be paid by the Treasurer of the State upon the warrant of the Governor and charged to the penitentiary board, and by said board to be repaid to the State Treasurer, and accounted for as a part of the expense of maintaining the State's prisoners.

C. S. 7744. **Copy of this article supplied to prisoners.** This article shall be printed in pamphlet form and each prisoner committed to the charge of the board of directors of the State Prison Department shall be supplied with a copy, and its contents shall be explained to him at the time he is brought to the State Prison.

C. S. 7745. **Overseers and guards may maintain discipline.** When a convict or several combined shall offer violence to any officer, overseer, or guard, or to any convict, or attempt to do any injury to the prison building or the workshops, or shall attempt to escape, or shall resist, or disobey any lawful command, the officer, overseer, or guard shall use any means necessary to defend himself, to enforce the observance of discipline, to secure the person of the offender and to prevent an escape.

C. S. 7746. **Death of convict investigated by directors.** It shall be the duty of the board of directors, or some member thereof, upon information of the death of a convict other than by natural causes, to investigate the cause thereof and report the result of such investigation to the Governor, and for this purpose the board of directors, or any member thereof, shall have power to administer oaths, and send for persons and papers.

C. S. 7747. **Convict furnished transportation.** The Superintendent of the State Prison Department shall furnish to every convict, upon the expiration of his sentence, such transportation and such other money, or property, as may be prescribed by the rules and regulations of the board of directors adopted pursuant to the provisions of section seven thousand seven hundred and twenty-five of the Consolidated Statutes.

C. S. 7748. **Children born in State Prison Department.** Any child born of a female convict while she is in the custody of the State Prison Department that shall not be taken in charge upon arrival at an age suit-

able to be separated from the mother by some of its kindred or other responsible party, shall, on the application of the deputy warden to the clerk of the Superior Court of the county of Wake, be disposed of as the law provides in the case of children whose parents are dead or unable to provide for them.

C. S. 7749. **Governor may parole.** The Governor may and it shall be his duty to parole such of the convicts in the State Prison Department as may be in his opinion necessary or useful in the upkeep of the State buildings and grounds in Raleigh, and for such other work in connection with any activities in which the State, its departments, or institutions may be engaged, with full power and authority to place such convicts under custody of any person, or persons designated by the Governor, and to cause such convicts to be managed and controlled under his direction, and to be returned to the State Prison at such times as he may direct, and to make such regulations, or arrangements by which the State Prison Department shall be properly compensated for the labor of such convicts so used.

C. S. 7750. **Record of conduct of prisoners.** It is the duty of the superintendent of the State Prison Department and superintendents of county chain gangs or road forces, under rules and regulations to be made and promulgated by the board of directors of the State Prison Department, to keep a record of the conduct and demeanor of all prisoners held in the State Prison Department and on county chain gangs.

C. S. 7754. **No female prisoner work on streets or roads.** Nothing in this article shall be held or construed to permit the working or hiring of female convicts for work upon any street, road or highway.

C. S. 7755. **Reimprisonment.** If the Governor shall order the reimprisonment of any person discharged on parole, he may issue his order directly to the sheriff of any county in the State, directing the arrest of such person and his return by such officer to the State Prison Department, the expense of which shall be paid by the State Treasurer upon a warrant issued by the State Auditor on an order made by the superintendent of the State Prison Department.

C. S. 7756. **No deduction of time.** If any such person be reimprisoned by order of the Governor for violation of the conditions of his parole, the time such person has been out on parole shall not be deducted from the term of imprisonment to which he was originally sentenced by the court, but the time of his imprisonment shall be understood as continuing from the time he was discharged on his parole.

C. S. 7757. **No impairment of Governor's powers.** Nothing herein is to be taken as in any way attempting to interfere with, or regulate the power of the Governor to grant reprieves, commutations, and pardons and paroles.

C. S. 7758. **Counties and towns may employ.** It shall be lawful for the board of commissioners of any county, and likewise for the corporate authorities of any city or town to contract, in writing, with the board of

directors of the State Prison Department for the employment of convicts in the State Prison Department upon the highways or streets of such county, city or town, and such contracts when so exercised shall be valid, and enforcible against such county, city or town, and in the name of the State the Attorney-General may prosecute an action in the Superior Court of Wake County for the enforcement thereof.

C. S. 7759. **Duty to hire to counties and towns.** Upon application to them, it shall be the duty of the board of directors of the State Prison Department, in their discretion, to hire to the board of commissioners of any county, and to the corporate authorities of any city, or town, for purposes specified in the preceding section, such convicts as may be mentally and physically capable of performing the work or labor contemplated and shall not at the time of such application be so hired, or otherwise engaged in labor under the direction of said board of directors; but the convicts hired for services under the preceding section shall be fed, clothed and quartered while so employed by the board of directors, or managers of the State Prison Department.

C. S. 7760. **Contract for hire; how enforced.** The board of commissioners of any county, the corporate authorities of any city or town, so hiring such convicts shall pay into the treasury of the State for the labor of any convict so hired such a sum or sums of money at such time, or times, as may be agreed upon in the contract of hire; and if any such county, city or town, fail to pay the State money due for such hiring, the same shall bear interest from the time it shall become due until paid at the rate of six per cent per annum; and an action to recover the same may be instituted by the Attorney-General in the name of the State in the courts of Wake County.

C. S. 7761. **Counties to appoint superintendent.** The board of commissioners of any county and the corporate authorities of any city or town so hiring such convicts shall have power to appoint and remove at will all such necessary agents to superintend the construction or improvement of such highways and streets as they may deem proper, or to pay the costs and expenses incident to such hiring may levy taxes and raise money as in other respects.

C. S. 7762. **Contracts for labor, or products of labor regulated.** The board of directors of the State Prison Department shall in the case of any and all contracts for labor provide under their direction and management for the feeding and clothing of such convicts by the State Prison Department and shall maintain, control, and guard the quarters in which such convicts live during the time of such contracts; and the said board shall provide for the guarding and working of such convicts under its sole supervision and control. The board of directors of the State Prison Department may make such contract for the hire of the convicts confined in the State Prison as may, in its discretion, be proper and will promote the purpose and duty to make the State Prison Department as nearly self-supporting as is consistent with the purpose of its creation, as set forth in section eleven, article eleven of the Constitution; and the said board of directors may engage in and use the labor of convicts confined in the State Prison Department in such work on farms, in manufacturing, either within or without the State Prison, as the board of directors may here-

after determine to be proper and profitable to be carried on by the State Prison Department; and the said board of directors may dispose of the products of the labor of said convicts either in farming, or manufacturing, or in other industry at the State Prison, or to or for any public institution owned, managed, or controlled by the State, to or for any county, city or town within this State; and may sell or dispose of the same elsewhere and in the open markets or otherwise, as in its discretion may seem profitable.

C. S. 7763. **To make State Prison Department self-supporting.** It is the purpose of this chapter to make the State Prison Department self-supporting as contemplated by the Constitution, and to that end the directors thereof are hereby authorized and empowered to employ the convicts therein in such form of work and to transfer such convicts from one form of work and employment to another when in the opinion of such board of directors such form of employment shall best serve the purpose.

It is further declared to be the State's policy in the conduct of the State Prison Department that convict labor shall be devoted primarily to State use, and to that end the board of directors of the State Prison Department shall as a primary purpose employ labor of such convicts in farming and in the production of such material as may be necessarily used by said State Prison Department and other institutions and departments, having due regard at all times to the promotion of the purpose set out in article eleven, section eleven, of the Constitution.

C. S. 7764. **Directors may establish reformatory.** There may be established in connection with the North Carolina State Prison Department, under the control and direction of the board of directors of that institution, a reformatory either within the enclosure of the penitentiary or elsewhere as said board shall deem most practicable and economical, in which reformatory convicts under the age of eighteen years sentenced to the penitentiary shall be confined separate and apart from other convicts.

C. S. 7765. **May exempt from convict garb.** It shall be in the discretion of the board to exempt the convicts confined in the reformatory from the requirement of wearing the usual convict garb.

C. S. 7766. **Not to apply to certain crimes.** Nothing in the two preceding sections shall apply to convicts sentenced for the crimes of murder, arson, rape, or burglary.

C. S. 7766(a). **Supervision and visitation of the State Prison Department.** That it shall be the duty of the State Board of Charities and Public Welfare to exercise a supervision over the State Prison Department, as contemplated by the Constitution, under proper rules and regulations; and that the rules and regulations be prescribed by the Governor.

DEPARTMENT FOR TUBERCULAR PRISONERS AT SANATORIUM

C. S. 7220(a). **Establishment of a sanatorium; power and authority of directors.** There shall be established at, or as near to as feasible, the North Carolina sanatorium for the treatment of tuberculosis, a sanatorium for the treatment of tubercular prisoners or convicts. The board of directors of the North Carolina sanatorium for the treatment of tuberculosis

shall have all authority and power over the said sanatorium as that conferred upon the State Board of Health over the said North Carolina Sanatorium in section seven thousand one hundred and seventy-two *et seq.*

C. S. 7220(b). **Reports from county physicians or health officers; history of case, etc.** The county physician or county health officer of the various counties of the State who has examined any prisoner, or convict upon the public roads and has pronounced him to be affected with tuberculosis, is hereby required to report such case to the board of directors of the North Carolina sanatorium for the treatment of tuberculosis, giving a history of the same and such other facts as the board of directors of the North Carolina sanatorium for the treatment of tuberculosis may determine in its rules and regulations.

C. S. 7220(c). **Physician at State Prison and Convict Camp.** The physician in charge of the State Prison or any particular convict camp of State prisoners shall make similar reports under similar rules and regulations to the board of directors of the North Carolina sanatorium for the treatment of tuberculosis of all State prisoners who upon examination by him have been determined to be infected with tuberculosis.

C. S. 7220(d). **Examination by directors of sanatorium; transfer to sanatorium.** The board of directors of the North Carolina sanatorium for the treatment of tuberculosis, upon receiving such reports shall examine into the condition of these prisoners or convicts, and, if it is determined that such condition justifies it, shall direct their transfer from either county authorities, if a county prisoner, or the State prison, if a State prisoner, to the sanatorium herein provided. The cost of such transfer, if it is a county prisoner, shall be paid by the county from which he is transferred; if a State prisoner the cost shall be paid by the State prison.

Chapter 127, Public Laws of 1927 adds the following clause to the section given above.

If a tuberculous prisoner is thus transferred to the sanatorium the county from which he is sent shall, upon notice from the sanatorium that the prisoner has recovered or is in such condition that it would be safe to return him to the county, within five days after such notice, send for said prisoner and return him to the county from which he was committed. Any failure on the part of the county to send for said prisoner as herein provided after such notice shall render the county liable for the expenses of maintaining prisoner.

NOTE.—See Page 87 for Criminal Insane.

FARM COLONY FOR WOMEN

(CHAPTER 219, PUBLIC LAWS OF 1927)

AN ACT TO ESTABLISH THE INDUSTRIAL FARM COLONY FOR WOMEN

The General Assembly of North Carolina do enact:

SECTION 1. That a State institution for women, to be known as the Industrial Farm Colony for Women is hereby established.

SEC. 2. That the State Industrial Farm for Women shall be under the management of a board of five directors, who shall be appointed by the Gov-

ernor. At least two members of the board shall be women. Immediately upon the passage of this act the Governor shall appoint five directors for four years each, and their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he shall succeed. The directors shall receive no compensation for their services, but shall be paid their necessary expenses incurred while engaged in the performance of their official duties.

The board shall hold an organization meeting within thirty days after appointment and shall elect from among its members a president, secretary and treasurer. The treasurer shall before receiving any funds, make a good and sufficient bond payable to the State of North Carolina in such sum as may be named by the Governor and approved by the State Treasurer.

SEC. 3. That the board of directors is authorized to use for the purpose of said institution, any site already owned by the State, when approved by the Governor and Council of State. Such land shall be located in a healthful section of the State, and shall have natural drainage and adequate natural water supply. It shall also include woodland and arable land to the end that, as far as practicable, the food for the inmates may be produced on such land. The farm must also be accessible by rail or road to all sections of the State.

SEC. 4. That the directors shall cause to be prepared plans and specifications for remodelling or erecting on such site necessary buildings for a suitable plant for the institution. The director shall furnish and equip the same ready for use. Contracts shall be made by the directors and those calling for an expenditure of over five hundred dollars shall be duly advertised and competitive bids received thereon, but whenever possible convict labor shall be used, the compensation for such to be agreed upon by the directors and superintendent of the State Prison. When such buildings have been prepared and equipped, and the necessary staff of officers has been organized, the directors shall make announcement that the institution is ready for the reception of inmates.

SEC. 5. That the directors shall have control of the institution; determine the policy of the same and make necessary rules for the discipline, instruction, mental and physical examination and treatment of the inmates and for the labor of the inmates; cause to be kept proper records, including those of the inmates; hold regular meetings, at least quarterly, at said institution and audit the accounts of the superintendent quarterly. They shall report biennially to the Governor the general and financial condition of said institution, with such recommendations as they desire to make.

SEC. 6. That the directors shall appoint and remove at their discretion, a superintendent of said institution who shall be a woman of liberal education and special training and who has had experience in institutional management or social work, not of their number, and who, before entering upon the duties of her office, shall be sworn to a faithful performance of her duties. The superintendent shall receive such compensation as shall be fixed by the directors and shall reside at said institution.

SEC. 7. That the superintendent shall manage such institution and have control over the inmates thereof, and shall make rules and regulations for the administration of said institution, subject to the approval of the board of directors. The superintendent shall, also, subject to the approval of the board of directors, determine the number, select, appoint and assign duties of all subordinate officers, of said institution, who shall be women, as far as

practicable, and shall be sworn to a faithful performance of their duties. As soon as the size of the institution demands it, a resident woman physician shall be employed. The superintendent may remove any officer appointed by her.

SEC. 8. That women sixteen years of age and older belonging to the following classes, and who are not eligible for admission to Samarcand may be committed by any court of competent jurisdiction to said institution, and not otherwise; persons convicted of, or who plead guilty to the commission of misdemeanors, including prostitution, habitual drunkenness, drug-using, disorderly conduct. The board of directors may in its discretion receive and detain as an inmate of the institution any woman or girl, not otherwise provided for, who may be sentenced by any court of the United States, within this State. Immediately upon commitment, a careful physical and mental examination by a competent physician and a psychologist shall be made of each person committed. The court imposing sentence upon offenders of either class shall not fix the term of such commitment except as hereinafter provided. Commitment to said institution shall be made within one week after sentence so imposed, by the sheriff when sentenced by the Superior Court, and by a police officer when sentence is imposed by any city, town or inferior court, but no offender shall be committed to such institution without being accompanied by a woman in addition to the officer. The expenses of such commitment shall be paid the same as commitments to other penal institutions, in the State. The trial court shall cause a record of the case to be sent with the commitment papers on blanks furnished by the institution. The duration of such commitment, including the time spent on parole, shall not exceed three years, except where the maximum term specified by law for the crime for which the offender was sentenced shall exceed that period, in which event such maximum term shall be the limit of detention under the provisions of this act, and in such cases it shall be the duty of the trial court to specify the maximum term for which the offender may be held under such commitment.

SEC. 9. That any inmate of the institution may, upon recommendation of the board of directors to the Governor, be allowed to go on parole under the following conditions: That she is in good physical condition, has ability to earn an honest living, has a satisfactory institutional record, based on the merit system, and a proper home to which she may go, or that suitable employment has been secured in advance. Each person paroled or discharged from said institution shall be given, if the superintendent deems it best, suitable clothing, transportation expenses and a sum of money not exceeding thirty dollars. Authority is conferred on said board of directors to establish such rules and regulations as it may deem necessary, setting forth the conditions upon which inmates may be discharged or recommended for parole, and to enforce such rules and regulations.

SEC. 10. That while upon parole, each inmate of said institution shall remain in the legal custody and under the control of the board of directors, and subject at any time to be taken to said institution for any reason that shall seem sufficient to said board. Whenever any parole inmate of said institution shall violate her parole and be returned to the institution, she may be required to serve the unexpired term of her maximum sentence, including the time she was out on parole or any part thereof, in the discretion of the board of directors, or she may be paroled again if said board of directors shall so recommend. The request of said board of directors or any person authorized by the rules of said board, shall be sufficient warrant to authorize any officer of said institution or any officer authorized by law to

serve criminal process within the State, to return any inmate on parole into actual custody; and it shall be the duty of police officers, constables and sheriffs to arrest and hold any paroled inmate when so requested, without any written warrant, and for the performance of such duty, the officer performing the same, except officers of said institution, shall be paid by the board of directors of said institution out of the institution funds such reasonable compensation as is provided by law for similar services in other cases.

SEC. 11. That if any inmate shall escape from said institution or from any keeper or officer having her in charge or from her place of work while engaged in working outside the walls of said institution, she shall be returned to said institution when arrested, and may be disciplined in such manner as the board of directors may determine. Any person who advise, induce, aid or abet any woman committed to the State Industrial Farm or to the charge or guardianship of the directors of said institution to escape from said farm, or from the custody of any person to whom such women shall have been entrusted by said directors or by their authority, shall be fined not more than five hundred dollars or imprisoned not more than one year, and any woman who shall have so escaped, may, whether the limit of her original sentence shall have expired or not, be arrested and detained without warrant by any officer authorized to serve criminal process, for a reasonable time to enable the superintendent or a director of said farm, or a person authorized in writing by the superintendent of said farm or said directors and provided with the mittimus by which such woman was committed, or with a certified copy thereof, to take such woman for the purpose of returning her to said institution, and the officer arresting her shall be paid by the State a reasonable compensation for her arrest and keeping. Any woman lawfully committed to said institution who shall escape therefrom may be imprisoned in said institution for not more than one year from the expiration of the term for which she was originally committed. Prosecutions under this act may be instituted in any county in which such woman may be arrested.

SEC. 12. That if it shall appear to said board of directors, that any inmate on parole, although not having completed her maximum term, has maintained a satisfactory parole record, and will continue to lead an orderly life if discharged, said board may recommend to the Governor that such inmate be discharged from said institution.

SEC. 13. The board of directors, in making rules and regulations for the government of said institution, shall make provision for a system of general and industrial training, including useful trades and home economics, and for proper recreation facilities.

SEC. 14. In order to provide funds for the purposes of this act, the State Treasurer is hereby authorized and directed at the request of the board of directors to be appointed hereunder and by and with the consent of the Governor and Council of State, to issue and sell not exceeding sixty thousand dollars ($60,000) in bonds of the State, properly designated and bearing such date or dates and such rate or rates of interest not exceeding five (5%) per cent per annum, payable semi-annually, as may be fixed by the Governor and Council of State, all of which bonds shall mature at one date in the year nineteen hundred and sixty-seven.

(Sections 15 through 24 have to do with the financing of the institution. See Public Laws of 1927.)

POOR RELIEF

THE CARE OF THE POOR

C. S. 1335. **Support of poor; superintendent of county home; paupers removing to county.** The board of commissioners of each county is authorized to provide by taxation for the maintenance of the poor, and to do everything expedient for their comfort and well ordering. They may employ biennially some competent person as superintendent of the county home for the aged and infirm, and may remove him for cause. They may institute proceedings against any person coming into the county who is likely to become chargeable thereto, and cause his removal to the county where he was last legally settled; and they may recover from such county by action all charges and expenses incurred for the maintenance or removal of such poor person.

C. S. 1336. **County home for aged and infirm.** All persons who become chargeable to any county shall be maintained at the county home for the aged and infirm, or at such place or places as the board of commissioners select or agree upon.

C. S. 1337. **Records for county, how to be kept.** The keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and per capita expense of home per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare; and give a full and accurate report to the county commissioners and to the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday in December of each year.

C. S. 1338. **Support of county home.** The board of commissioners may provide for the support of the persons admitted by them to the home for the aged and infirm by employing a superintendent at a certain sum, or by paying a specified sum for the support of such persons to any one who will take charge of the county home for the aged and infirm, as said board may deem for the best interest of the county and the cause of humanity.

C. S. 1339. **Property of indigent to be sold or rented.** When any indigent person who becomes chargeable to a county for maintenance and support in accordance with the provisions of this article, owns any estate, it is the duty of the board of commissioners of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided under article three of the chapter entitled Insane Persons and Incompetents, or they may take possession thereof and rent the same out and apply the rent toward the support of such indigent person.

C. S. 1340. **Families of indigent militiamen to be supported.** When any citizen of the State is absent on service as a militiaman or member of the State guard, and his family are unable to support themselves during

his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

C. S. 1341. **Paupers not to be hired out at auction.** No pauper shall be let out at public auction, but the board of commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county home for the aged and infirm, as may be deemed best.

C. S. 1342. **Legal settlements; how acquired.** Legal settlements may be acquired in any county, so as to entitle the party to be supported by such county, in the manner following, and not otherwise:

1. *By one year's residence.* Every person who has resided continuously in any county for one year shall be deemed legally settled in that county.

2. *Married women to have settlement of their husbands.* A married woman shall always follow and have the settlement of her husband, if he have any in the State; otherwise, her own at the time of her marriage, if she then had any, shall not be lost or suspended by the marriage, but shall be that of her husband, till another is acquired by him, which shall then be the settlement of both.

3. *Legitimate children to have settlement of father.* Legitimate children shall follow and have the settlement of their father, if he has any in the State, until they gain a settlement of their own; but if he has none, they shall, in like manner, follow and have the settlement of their mother, if she has any.

4. *Illegitimate children to have settlement of mother.* Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the State. But neither legitimate nor illegitimate children shall gain a settlement by birth in the county in which they may be born, if neither of their parents had any settlement therein.

5. *Settlement to continue until new one acquired.* Every legal settlement shall continue till it is lost or defeated by acquiring a new one, within or without the State; and upon acquiring such new settlement, all former settlements shall be defeated and lost.

C. S. 1343. **Removal of indigent to county of settlement; maintenance; penalties.** Upon complaint made by the chairman of the board of county commissioners, before a justice of the peace, that any person has come into the county who is likely to become chargeable thereto, the justice, by his warrant, shall cause such poor person to be removed to the county where he was last legally settled; but if such poor person is sick or disabled, and cannot be removed without danger of life, the board of commissioners shall provide for his maintenance and cure at the charge of the county; and after his recovery shall cause him to be removed, and pay the charges of his removal. The county wherein he was last legally settled shall repay all charges occasioned by his sickness, maintenance, cure and removal, and all charges whatever, if such person die before removal. If the board of commissioners of the county to which such poor person belongs refuses to receive and provide for him when removed as aforesaid, every commissioner so refusing shall forfeit and pay forty dollars, for the

use of the county whence the removal was made; moreover, if the board of commissioners of the county where such person was legally settled refuses to pay the charges and expenses aforesaid, they shall be liable for the same. If any housekeeper entertains such poor person without giving notice thereof to the board of commissioners of his county, or one of them, within one month, the person so offending shall forfeit and pay ten dollars.

C. S. 1343(a). **Burial of indigent veterans of the World War.** The county commissioners of any county in North Carolina are authorized, empowered, and directed to appropriate out of the general fund of the county a sum of not more than twenty-five dollars ($25.00) to provide for the burial of any former member of the army, navy, or marine corps, who served in the recent World War, who shall die within the boundaries of the said county and whose estate or relatives are unable to provide for the burial of said veteran, and whose burial has not otherwise been provided for.

(CHAPTER 192, PUBLIC LAWS OF 1927)

AN ACT TO RE-ENACT CHAPTER 611 OF THE PUBLIC-LOCAL LAWS OF 1923, TO ENABLE ANY TWO OR MORE COUNTIES TO ESTABLISH A DISTRICT HOSPITAL HOME IN LIEU OF SEPARATE COUNTY HOMES.

Whereas, chapter six hundred and eleven of the Public-Local Laws of one thousand nine hundred and twenty-three is a public law, but through mistake was classified as a Public-Local Law, and placed in the Public-Local Laws; and

Whereas, the said chapter as enacted would not be found among the public laws as brought forward in the Consolidated Statutes; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and eleven of the Public-Local Laws of one thousand nine hundred and twenty-three, and every section thereof, be and the same is hereby re-enacted in as full and complete a manner as if the same was herein written word for word.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this 9th day of March, A. D. 1927.

(CHAPTER 611, PUBLIC LAWS OF 1923)

AN ACT TO ENABLE ANY TWO OR MORE COUNTIES TO ESTABLISH A DISTRICT HOSPITAL-HOME IN LIEU OF SEPARATE COUNTY HOMES.

The General Assembly of North Carolina do enact:

SECTION 1. Any two or more adjacent counties may by action of the county commissioners in said counties, as hereafter provided, establish a District Hospital-Home for the Aged and Infirm, to be located at some suitable place within the counties composing the district, location and purchase to be controlled by a board of trustees appointed by the county commissioners of the respective counties owning and controlling said hospital-home, each county having the same relative vote in all meetings of the board of trustees as such county has in the lower house of the General Assembly.

SEC. 2. That the county commissioners of the aforesaid counties are hereby authorized and empowered to sell and convey by deed all properties held by the aforesaid counties for the care and maintenance of their county's poor, and from the proceeds of such sale appropriate so much as may be required to meet said county's proportionate part of the funds necessary to perfect the completion of said community home for the aged and infirm as provided herein.

SEC. 3. That should it be deemed wisest not to sell said properties, or should any county not have said properties in its possession, or should any counties have said properties which would not be for sale, the necessary funds shall then be raised by direct taxation within the county or counties preferring this method of raising their pro rata part.

SEC. 4. That the several boards of county commissioners shall as soon as they shall have agreed among themselves to establish a District Hospital-Home for the Aged and Infirm for their counties, appoint the members of the board of trustees, which board shall be known as the Board of Trustees of the District Hospital-Home for the District Comprising....., ..., ... Counties; the members of said board of trustees shall be appointed every two years by the boards of county commissioners, the term of office for said trustees shall be two years, and until their successors are chosen and qualified; that all vacancies shall be filled by the several boards of county commissioners and said commissioners shall provide for the expense and compensation of said board of trustees.

SEC. 5. That this board of trustees shall, as soon as possible after appointment, assemble and organize by the election of a chairman, a secretary and a treasurer, which last officer shall be bonded. They shall proceed promptly with the purchase of a site for such hospital-home, including, if they deem it desirable, a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities; provide for the necessary stock, tools and farm equipment, and shall then cause to be erected suitable plain, substantial, comfortable and permanent buildings for the accommodation of those for whom this act is intended, giving due regard to the separation of the sexes and races, and such other plans for segregation as their judgment and existing conditions may suggest. Said buildings are to be furnished with plain, substantial furniture, and such other equipment as conditions demand.

SEC. 6. That the several counties constructing, equipping, and operating a district hospital-home shall pay for the site and for the construction and equipment of the plant in proportion to the taxable property of the several counties and shall own in the same proportion, but the operating expenses shall be borne by the several counties in proportion to the population of the county.

SEC. 7. That the State Board of Charities and Public Welfare shall have prepared plans for such district hospital-home and shall furnish such plans on request to any board of trustees of any district hospital-home at cost; and that all such hospital-homes shall be built in accordance with plans furnished or approved by the State Board of Charities and Public Welfare.

SEC. 8. That as soon as the district hospital-home is ready for occupancy the several county homes or poor houses, heretofore owned by the several counties, shall be closed and occupants shall be transferred and located in the district hospital-home for the aged and infirm herein provided for.

SEC. 9. That the board of trustees of the said district hospital-home shall elect a capable superintendent and such other employees as it may deem necessary to the efficient management of said district hospital-home and shall fix their salaries with due regard to number and condition of inmates occupying said district hospital-home.

SEC. 10. That the board of trustees shall meet at least twice a year for the transaction of such business as their positions may require. They shall have the general conduct and management of the district hospital-home's affairs. They shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board.

SEC. 11. That the matter to be considered at any special meeting shall be set out in the call for the special meeting, but any business may be transacted at special meetings which received a two-thirds vote of the entire board of trustees, although not mentioned in the call.

SEC. 12. That the board is vested with all powers not already mentioned which are possessed by boards supervising State institutions.

SEC. 13. That any two or more counties constructing, operating and maintaining a district hospital-home for the aged and infirm shall, as required by law now in force for the care and maintenance of those not able to care for themselves, send such person or persons to the district hospital-home for the aged and infirm in lieu of the county home and shall pay the expense of maintenance in proportion to the population of the county.

SEC. 14. That as soon after the first day of January of each year as may be practicable the board of trustes shall cause a report to be made of the hospital-home, which report shall show the number of inmates, the county admitting them, date of admission, age, condition of health, sex, color, educational acquirements, diagnosis of disease if diseased, total number of inmates received during the year, average number cared for per month, names and disposition of those dismissed, pro rata cost of maintenance, the total amount of money expended, the total amount of money received from each county, and such information as the State Board of Charities and Public Welfare and the board of trustees of the district hospital-home may demand. It shall also show an inventory and appraisement of property, real and personal, and give a strict account of receipts from farm and expenditure thereon, and such other information as may be required to check up the institution from all viewpoints.

SEC. 15. That a copy of the said report of the said board of trustees shall be furnished the county commissioners of the respective counties interested in and providing said district hospital-home.

SEC. 16. That all acts or parts of acts not consistent with this act are hereby repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1923.

PROSTITUTION

C. S. 4357. **Definition of terms.** The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire.

The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment.

See Biennial Report of Attorney General—1924-1926—*Page* 284.

C. S. 4358. **Prostitution and various acts abetting prostitution unlawful.** It shall be unlawful:

1. To keep, set up, maintain, or operate any place, structure, building or conveyance for the purpose of prostitution or assignation.

2. To occupy any place, structure, building, or conveyance for the purpose of prostitution or assignation; or for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose.

3. To receive, or to offer or agree to receive any person into any place, structure, building, or conveyance for the purpose of prostitution or assignation, or to permit any person to remain there for such purpose.

4. To direct, take, or transport, or to offer or agree to take or transport, any person to any place, structure, or building or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution or assignation.

5. To procure, or to solicit, or to offer to procure or solicit for the purpose of prostitution or assignation.

6. To reside in, enter, or remain in any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution or assignation.

7. To engage in prostitution or assignation, or to aid or abet prostitution or assignation by any means whatsoever.

C. S. 4359. **Prosecution; in what courts.** Prosecutions for the violation of any of the provisions of this article shall be tried in the courts of this State wherein misdemeanors are triable except those courts the jurisdiction of which is so limited by the Constitution of this State that such jurisdiction cannot by statute be extended to include criminal actions of the character herein described.

C. S. 4360. **Reputation and prior conviction admissible as evidence.** In the trial of any person charged with a violation of any of the provisions of this article, testimony of a prior conviction, or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant, shall be admissible in evidence in support of the charge.

C. S. 4361. **Degrees of guilt.** Any person who shall be found to have committed two or more violations of any of the provisions of section 4358 of this article within a period of one year next preceding the date named in an indictment, information, or charge of violating any of the provisions of such section, shall be deemed guilty in the first degree. Any person who

shall be found to have committed a single violation of any of the provisions of such section shall be deemed guilty in the second degree.

C. S. 4362. **Punishment; probation; parole.** Any person who shall be deemed guilty in the first degree, as set forth in the preceding section, shall be guilty of a misdemeanor, and may be fined or imprisoned in the discretion of the court, or may be committed to any penal or reformatory institution in this State: *Provided*, that in case of a commitment to a reformatory institution, the commitment shall be made for an indeterminate period of time not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or to place on parole any person so committed after the service of the minimum term or any part thereof, and to require the return to said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

Any person who shall be deemed guilty in the second degree, as set forth in the preceding section, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court: *Provided*, that the defendant may be placed on probation in the care of a probation officer designated by law, or theretofore appointed by the court.

Probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

No girl or woman who shall be convicted under this article shall be placed on probation or parole in the care or charge of any person except a woman probation officer.

C. S. 4343. **Fornication and adultery.** If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a misdemeanor: *Provided*, that the admissions or confessions of one shall not be received in evidence against the other.

C. S. 4344. **Inducing female persons to enter hotels or boarding-houses for immoral purposes.** Any person who shall knowingly persuade, induce or entice, or cause to be persuaded, induced or enticed, any woman or girl to enter a hotel, public inn or boarding-house for the purpose of prostitution or debauchery or for any other immoral purpose, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 2283(v)*. **Registration to be in true name; addresses. Peace officers.** No person shall write, or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging-house or hotel any other or different name or designation than the true name or names in ordinary use of the person registering or causing himself to be registered therein. That any person occupying any room or rooms in any lodging-house or hotel shall register or cause himself to be registered where registration is required by such lodging-house or hotel. That any person registering or causing himself to be registered at any

lodging-house or hotel shall write, or cause to be written, in the register of such lodging-house or hotel the correct address of the person registering, or cause himself to be registered. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars ($200). That this act shall not apply to any peace officer of this State who shall privately give his true name to the clerk or proprietor of such hotel or lodging-house.

C. S. 4345. **Opposite sexes occupying same bedroom at hotel for immoral purposes; falsely registering as husband and wife.** Any man and woman found occupying the same bedroom in any hotel, public inn or boarding-house for any immoral purpose, or any man and woman falsely registering as, or otherwise representing themselves to be, husband and wife in any hotel, public inn or boarding-house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 4346. **Permitting unmarried female under eighteen in house of prostitution.** Whoever, being the keeper of a house of prostitution, or assignation house, building or premises in this State where prostitution, fornication, or concubinage is allowed or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or room in such house, building or premises, shall be guilty of a misdemeanor.

C. S. 4348. **Obscene literature, indecent exposure, and lewd dances.** If any person shall exhibit for the purpose of gain, lend for hire or otherwise publish or sell for the purpose of gain, or exhibit in any school college or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representation; or if any person shall post any indecent placards, writings, pictures or drawings on walls, fences, billboards or other places; or if any person shall make any public exposure of the person or other indecent exhibition, or take part in any immoral show, exhibit or performance, where indecent, immoral or lewd dances or plays are conducted, in any booth, tent, room or other place to which the public is invited; or if any one shall permit such exhibitions or immoral performances to be conducted in any tent, booth, or other place owned or controlled by him, he shall be guilty of a misdemeanor.

C. S. 4353. **Lewd women within three miles of colleges and boarding-schools.** If any loose woman or woman of ill-fame shall commit any act of lewdness with or in the presence of any student, who is under twenty-one years old, of any boarding-school or college, within three miles of such school or college, she shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Upon the trial of any such case students may be competent but not compellable to give evidence. No prosecution shall be had under this section after the lapse of six months.

PROTECTION OF CHILDREN

(See Employment, and Juvenile Courts, also.)

C. S. 4445. **Separating child under six months from mother.** It shall be unlawful for any person to separate or aid in separating any child under six months old from its mother for the purpose of placing such child in a foster home or institution, or with the intent of removing it from the State for such purpose, unless the consent in writing for such separation shall have been obtained from the clerk of the Superior Court and county health officer of the county in which the mother resides, or of the county in which the child was born; and it shall be unlawful for any mother to surrender her child for such purpose without first having obtained such consent.

Any person violating this section shall, upon conviction, be fined not exceeding five hundred dollars or imprisoned for one year, or both, in the discretion of the court.

C. S. 4442. **Permitting minors to enter barrooms, billiard rooms, and bowling alleys.** If the keeper or owner of any barroom, billiard room, or bowling alley shall allow any minor to enter or remain in such barroom, billiard room, or bowling alley, where before such minor enters or remains in such barroom, billiard room, or bowling alley, the owner or keeper thereof has been notified by the parents or guardian of such minor not to allow him to enter or remain in such barroom, billiard room, or bowling alley, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

C. S. 4438. **Selling cigarettes to minors.** If any person shall sell, give away, or otherwise dispose of, directly or indirectly, cigarettes, or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, to any minor under the age of seventeen years; or if any person shall aid, assist, or abet any other person in selling such articles to such minor, he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment in the discretion of the court.

C. S. 4439. **Aiding minors in procuring cigarettes; duty of police officers.** If any person shall aid or assist any minor child under seventeen years old in obtaining the possession of cigarettes, or tobacco in any form used as a substitute therefor, by whatsoever name it may be called, he shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

It shall be the duty of every police officer, upon knowledge or information that any minor under the age of seventeen years is or has been smoking any cigarette, to inquire of any such minor the name of the person who sold or gave him such cigarette, or the substance from which it was made, or who aided and abetted in effecting such gift or sale. Upon receiving this information from any such minor, the officer shall forthwith cause a warrant to be issued for the person giving or selling, or aiding and abetting in the giving or selling of such cigarette or the substance out of which it was made, and have such person dealt with as the law directs. Any such minor who shall fail or refuse to give to any officer, upon inquiry, the name of the person selling or giving him such cigarette, or the substance out of which it was made, shall be guilty of a misdemeanor.

C. S. 4400. **Selling or giving weapons to minors.** If any person shall knowingly sell, offer for sale, give, or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane, or sling-shot, he shall be guilty of a misdemeanor.

C. S. 4441. **Permitting young children to use dangerous firearms.** Any person, being the parent or guardian of, or standing *in loco parentis* to, any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever, any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

C. S. 4443. **Exposing children to fire.** If any person shall leave any child of the age of seven years or less locked or otherwise confined in any dwelling, building, or enclosure, and go away from such dwelling, building, or enclosure without leaving some person of the age of discretion in charge of the same, so as to expose the child to danger by fire, the person so offending shall be guilty of a misdemeanor, and shall be punished at the discretion of the court.

C. S. 4506(a)*. **Operation of motor vehicle by person under sixteen years of age.** Any person who, being the owner or in charge of any motor vehicle, authorizes or knowingly permits a person under the age of sixteen years to operate such motor vehicle along any public street or public highway in the State of North Carolina shall be guilty of a misdemeanor, and shall be punished by a fine not in excess of the sum of fifty dollars ($50). That the term "motor vehicle" as used in section one hereof shall be construed to mean those vehicles it is construed to mean in section two thousand five hundred and ninety-eight of the Consolidated Statutes.

C. S. 2598. **Terms defined.** The term and words "motor vehicles" used in this chapter shall be construed to mean all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons, engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

RAPE

C. S. 4204. **Punishment for rape.** Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted of unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death.

C. S. 4209. **Obtaining carnal knowledge of virtuous girls between twelve and sixteen years old.** If any male person shall carnally know or abuse any female child over twelve and under sixteen years of age, who has never before had sexual intercourse with any person, he shall be guilty of a felony, and shall be fined or imprisoned in the discretion of the court; and any female person who shall carnally know any male child under the age of sixteen years shall be guilty of a misdemeanor and shall

be fined or imprisoned in the discretion of the court: *Provided*, that if the offenders shall be married or shall thereafter marry, such marriage shall be a bar to further prosecution.

See Biennial Report of Attorney General—1924-1926—*Pages* 345, 346.

C. S. 4209(a). **Jurisdiction of court. Offenders classed as delinquents.** All persons charged with a violation of the preceding section under the age of sixteen years shall be subject to the jurisdiction of the juvenile court and such other courts as may hereafter exercise such jurisdiction, and shall be classed as delinquents and not as felons: *Provided*, that where the offenders agree to marry, the consent of the parent shall not be necessary: *Provided further*, that any male person convicted of the violation of the preceding section who is under eighteen (18) years of age, shall be guilty of a misdemeanor only.

STATE INSTITUTIONS

(Only two laws which apply to all State Institutions are included here. See the Index for separate institutions.)

(CHAPTER 120, PUBLIC LAWS OF 1925)

AN ACT PLACING ALL STATE CHARITABLE INSTITUTIONS ON THE SAME BASIS AND TO PROTECT THE INTEREST OF THE STATE AND TO REQUIRE THOSE WHO ARE ABLE TO PAY, TO BEAR THE EXPENSE OF THEIR CARE, MAINTENANCE AND TREATMENT, AND TO ENFORCE THE SAME POLICY IN ALL SUCH INSTITUTIONS, AND TO PROVIDE MACHINERY RELATING TO THE SAME.

See Biennial Report of Attorney General—1924-1926—*Pages* 319, 320, 341.

WHEREAS, there have been different policies in practice in different institutions in this State, according to the several created and regulatory statutes affecting the several institutions, and resulting therefrom, different policies have been pursued at the State charitable, custodial, curative and correctional institutions, until the State, as result thereof, now bears a heavy expense at these institutions for such pupils, inmates, and patients as are financially able to pay the same, or are legally dependent upon others who are solvent and able to pay the same, thereby not only burdening the State unnecessarily but preventing the State from caring for many indigent patients that it should and otherwise would care for if a single policy were in force at all such institutions, under which those who are able to pay would pay, and those who could not pay would be given adequate treatment at the cost of the State; Now, therefore:

The General Assembly of North Carolina do enact:

SECTION 1. That all persons admitted to the State Hospital at Raleigh, State Hospital at Morganton, State Hospital at Goldsboro, Caswell Training School at Kinston, Stonewall Jackson Training School for Boys at Concord, the State Home and Industrial School for Girls at Samarcand, the East Carolina Training School at Rocky Mount, the Morrison Training School for Negro Boys in Richmond County, the School for the Deaf at Morganton, the School for the Blind and Deaf at Raleigh, and the North Carolina Sanatorium for the Treatment of Tuberculosis at Sanatorium, be and they are hereby required to pay the actual cost of their care, treatment, training and maintenance at such institutions.

SEC. 2. The respective boards of trustees or directors of each of said institutions, by whatever name they may be called, are hereby empowered with the final authority to determine and fix the actual cost of such training, treatment, care and maintenance, to be paid for by or for each inmate or patient, and the said boards of trustees or directors shall, to the best of their ability, fix such cost so as to include all the cost of such care, maintenance, treatment and training, at such institutions, for each respective inmate, pupil or patient thereof, and the said sum, when so fixed, shall be the actual cost thereof.

SEC. 3. Such cost, when so fixed and determined, by the respective boards of trustees or directors of each institution, shall be paid by the patient, pupil or inmate thereof, or by his parent, guardian, trustee, or other person legally responsible therefor, and the payment thereof shall constitute a valid expenditure of the funds of any such pupil, patient or inmate by any fiduciary who may be in the control of such fund, and a receipt for the payment of such cost, in the hands of such fiduciary, shall be a valid voucher to the extent thereof, in the settlement of his accounts of his trust. Immediately upon the determination of the cost, as herein provided for, the Superintendent of the institution shall notify the patient, pupil, inmate, parent, guardian, trustee, or such other person who shall be legally responsible for the payment thereof, of the monthly amount thereof, and such statement shall be rendered from month to month. The respective boards of trustees or directors of the various institutions are vested with full and complete authority to arrange with the patient, pupil, inmate, parent, guardian, trustee or other person legally responsible for the cost, for the payment of any portion of such cost monthly or otherwise, in the event such patient, pupil, inmate, parent, guardian, trustee or other person legally responsible therefor shall not be able to pay the total cost. The head of the various institutions shall annually file with the Auditor of the State a list of all unpaid accounts.

SEC. 4. From and after the passage of this act the respective boards of trustees or directors of each institution, shall ascertain which of the various patients, pupils or inmates thereof, or which of the parents, guardians, trustees or other persons legally responsible therefor, are financially able to pay the cost, to be fixed and determined by this act, and so soon as it shall be ascertained, such patient, pupil, inmate, parent, guardian, trustee or other person legally responsible therefor, shall be notified of such cost and in general, of the provisions of this act and such patient, pupil, inmate or the parent, guardian, trustee or other person legally responsible therefor, shall have the option to pay the same or to remove the patient, pupil or inmate from such institution, unless such person was committed by an order of a court of competent jurisdiction, in which event, the liability for the cost as fixed by this act shall be fixed or determined and payment shall be made in accordance with the terms of this act.

SEC. 5. That immediately upon the fixing of the amount of such actual cost, as herein provided, a cause of action shall accrue therefor in favor of the State for the use of the institution in which such patient, pupil or inmate is receiving training, treatment, maintenance or care, and the State for the use of such institution may sue upon such cause of action in the courts of Wake County, or in the courts of the county in which such institution is located, against said patient, pupil or inmate or his parents, or either of them, or guardian, trustee, committee, or other person legally responsible therefor, or in whose possession and control there may be any funds or property belonging to either the said pupil, patient or inmate, or to any person

upon whom the said patient, pupil or inmate may be legally dependent, including both parents.

SEC. 6. That no statute of limitation shall apply to or constitute a defense to any cause of action asserted by any of the above named institutions, for the collection of the cost of care, treatment, training or maintenance, or any or all of these against any person liable therefor, as herein provided, and all statutes containing limitations which might apply to the same, are hereby *pro tanto* repealed, as to all such causes of action or claims and this section shall apply to all claims and causes of action for like cost heretofore incurred with such institutions and now remaining unpaid.

SEC. 7. That this act shall not be held or construed to interfere with or to limit the authority and power of the management of the boards of trustees or directors of any of the institutions named herein, to make provision for the care, custody, treatment and maintenance of all indigent persons who may be otherwise entitled to admission in any of said institutions, and, as to indigent pupils, inmates and patients, the same provisions now contained in the several statutes relating thereto, shall continue in force, but, if at any time, any of the said indigent patients, pupils or inmates shall succeed to or inherit, or acquire, in any manner, property, or any of the persons named above as legally responsible for the cost of care, treatment and maintenance of the pupil, inmate and patient, at the above named institutions, shall acquire property, or shall otherwise be reputed to be solvent, then each of said institutions shall have the full right and authority to collect and sue for the entire cost and maintenance of such inmate, pupil or patient, without let or hindrance on account of any statute of limitation whatsoever.

SEC. 8. That at the request of such institution, all actions and suits shall be sued upon and prosecuted by the Attorney-General, and such institution shall have the right to elect as to whether it will institute such action in the courts of Wake County, or in the courts of the county in which such institution is located.

SEC. 9. That any judgment obtained by the State for the use of any of the above named institutions, shall never be barred by any statute of limitation, but shall continue in force, and, at the request of the Attorney-General, or the superintendent of any of said institutions, an execution shall issue therefor at any time without requiring such institution to revive the said judgment, as is now provided by statute, but, in case any judgment debtor, or any fiduciary responsible for the payment thereof, shall make affidavit and file the same with the clerk of the Superior Court, from which such execution is issued, that payments have been made upon the said judgments, then the clerk shall recall said execution and proceed to hear and determine what is the true amount due thereon, if anything, in the same manner as is now required in motions to revise dormant judgments with the right of appeal to the judge of the Superior Court, as now provided in such motions, and the clerk of the Superior Court and the judge thereof, shall have authority in their discretion, to require security for the payment of the amount of said judgment, pending such appeal.

SEC. 10. That, in the event of the death of any inmate, pupil or patient, of either of said institutions above named, leaving any such cost of care, maintenance, training and treatment unpaid, in whole or in part, then such unpaid cost shall constitute a first lien on all the property, both real and personal, of the said decedent, subject only to the payment of funeral expenses and taxes to the State of North Carolina.

SEC. 11. All money collected by any institution pursuant to this act shall be by such institution paid into the State Treasury, and shall be by the State Treasurer credited to the account of the institution collecting and turning the same into the Treasury, and shall be paid out by warrants drawn by the Auditor as in cases of appropriations made for the maintenance of such institutions and shall be used by such institutions as it uses and is authorized by law to use appropriations made for maintenance.

SEC. 12. That all laws and clauses of laws in conflict herewith, are, to the extent of such conflict, hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1925.

(CHAPTER 233, PUBLIC LAWS OF 1927)

TO MAKE UNIFORM THE COMPENSATION OF MEMBERS OF VARIOUS STATE BOARDS.

SECTION 1. That the compensation of each member of the board of directors or board of trustees of the following institutions shall be four dollars per day for each day or fractional part thereof he may be engaged in the duties of such board, together with a travel allowance of six cents per mile both ways, in travel to and from such meetings:

North Carolina College for Women
East Carolina Teachers College
Agricultural and Technical College (colored)
Cullowhee State Normal School
Appalachian State Normal School
Cherokee Indian Normal School
Winston-Salem Teachers' College (colored)
Elizabeth City State Normal School (colored)
North Carolina College for Negroes
State Hospital at Raleigh
State Hospital at Morganton
State Hospital at Goldsboro
Caswell Training School
North Carolina School for the Deaf
State School for the Blind and Deaf
North Carolina Orthopedic Hospital
North Carolina Sanatorium
Stonewall Jackson Training School
State Home and Industrial School for Girls
Morrison Training School (colored)
Eastern Carolina Training School
Confederate Women's Home
North Carolina Soldiers Home
Oxford Colored Orphanage
Fayetteville State Normal School (colored).

SEC. 2. Both the compensation and travel allowance shall be paid only upon certificate of the chairman of the board that the member attended the meeting for the number of days specified in such certificate and the number of miles claimed as correct. Upon such certificate the State Auditor shall issue his warrant upon the Treasurer for the amount so shown to be due, and the Treasurer shall pay it out of the maintenance appropriation of the particular institution.

VAGRANTS AND TRAMPS

C. S. 4459. **Persons classed as vagrants.** If any person shall come within any of the following classes, he shall be deemed a vagrant, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided, however,* that this limitation of punishment shall not be binding except in cases of a first offense, and in all other cases such person may be fined or imprisoned, or both, in the discretion of the court:

1. Persons wandering or strolling about in idleness who are able to work and have no property to support them.

2. Persons leading an idle, immoral or profligate life, who have no property to support them, and who are able to work and do not work.

3. All persons able to work having no property to support them and who have not some visible and known means of a fair, honest and reputable livelihood.

4. Persons having a fixed abode who have no visible property to support them and who live by stealing or by trading in, bartering for or buying stolen property.

5. Professional gamblers living in idleness.

6. All able-bodied men having no other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife or minor children, except of male children over eighteen years old.

7. Keepers and inmates of bawdy-houses, assignation houses, lewd and disorderly houses, and other places where illegal sexual intercourse is habitually carried on: *Provided,* that nothing here is intended or shall be construed as abolishing the crime of keeping a bawdy-house, or lessening the punishment by law for such crime.

C. S. 4460. **Police officers to furnish list of disorderly houses; inmates competent and compellable to testify.** It shall be the duty of the chief of police, marshal, constable or other chief ministerial officer of each city and town in this State to furnish every thirty days to the police justice, recorder, mayor, or other trial officer of such city or town a list of the bawdy, assignation, lewd and disorderly houses and other places where illegal sexual intercourse is carried on, together with the names of the keepers and inmates of such houses and places, in such city or town; and it shall be the duty of such police justice, recorder, mayor or other trial officer, upon the filing of such list, to issue his warrant for the persons declared in subsection seven of the preceding section to be vagrants, and to punish in accordance with the provisions of that section such of them as may be found guilty. In all trials under said subsection seven of the preceding section any keeper or inmate of any of the houses or places named, or his employees, shall be competent and compellable to give evidence of the character and nature of such house or place and of the character and acts of the keepers and inmates thereof; but the person so testifying shall not be prosecuted or punished for the commission of any crime about which he shall have been required to testify.

If any chief of police, marshal, constable or other chief ministerial officer of any city or town shall fail to furnish the list of houses and places provided for in this section, or shall suppress the name of any person whom

he is required herein to report, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

C. S. 4461. **Tramp defined and punishment provided; certain persons excepted.** If any person shall go about from place to place begging or subsisting on charity, he shall be denominated a tramp, and shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days: *Provided*, that any person who shall furnish satisfactory evidence of good character shall be discharged without cost. Any act of begging or vagrancy by any person, unless a well-known object of charity, shall be evidence that the person committing the same is a tramp. This section shall not apply to any woman, to any minor under the age of fourteen years, or to any blind person.

C. S. 4462. **Trespassing and the carrying of dangerous weapons by tramps.** If any person shall enter any dwelling house or kindle any fire on the land of another without the consent of the owner or occupant thereof, or shall kindle a fire on any highway, or shall be found carrying any firearm or other dangerous weapon, or shall threaten to do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment at the discretion of the court, not to exceed twelve months.

C. S. 4463. **Malicious injuries by tramps to persons and property.** If any tramp shall willfully and maliciously do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment, at the discretion of the court, not to exceed three years.

C. S. 4464. **Arrest of tramps by persons who are not officers.** Any person, upon a view of any offense described in the three preceding sections, shall cause the offender to be arrested upon a warrant and taken before some justice of the peace, or he may apprehend the offender and take him before a justice of the peace, for examination, and, on his conviction, he shall be entitled to the same fee as a sheriff.

DIRECTORY OF NORTH CAROLINA INSTITUTIONS

1. CHILD-CARING INSTITUTIONS:

A. NORTH CAROLINA CHILDREN'S HOME SOCIETY, Greensboro, N. C.

JOHN J. PHOENIX, Superintendent.

The Children's Home Society is the official child-placing agency in the State. Children are received through the official channels of the counties of the State and are placed in foster homes under supervision. The Society is supported by voluntary contributions and maintains a receiving cottage with a capacity of 30.

B. ORPHANAGES

ALEXANDER HOME, Charlotte, N. C.,
MRS. FANNIE SHARPE, Superintendent.

Owned and controlled by Presbyterian churches of Charlotte. Receives dependent children from three to twelve years of age.

CATHOLIC ORPHANAGE, Nazareth,
REV. GEORGE WOODS, Superintendent.

Owned and controlled by the Catholic Church. Receives dependent children from two to thirteen years of age.

CHRISTIAN ORPHANAGE, Elon College,
REV. CHAS. D. JOHNSTON, Superintendent.

Owned and controlled by the Southern Convention of the Christian Church. Receives dependent children from three to thirteen years of age.

ELIADA ORPHANAGE, Asheville, N. C.,
REV. L. B. COMPTON, Superintendent.

Owned and controlled by a board of directors. Inter-denominational. Receives dependent children from infancy to ten years of age.

FALCON ORPHANAGE, Falcon, N. C.,
J. A. CULBRETH, Superintendent.

Owned and controlled by the Falcon Camp Meeting Association of the Pentecostal Church. Receives dependent children from five to thirteen years of age.

FREEWILL BAPTIST ORPHANS' HOME, Middlesex, N. C.,
C. G. POPE, Superintendent.

Owned and controlled by Freewill Baptists. Receives dependent children from three to twelve years of age.

GRANDFATHER ORPHANS' HOME, Banner Elk, N. C.,
J. W. HOLCOMBE, Superintendent.

Owned and controlled by Southern Presbyterian Church. Receives dependent children from three to ten years of age.

I. O. O. F. HOME, Goldsboro, N. C.
CHARLES WARREN, Superintendent.

Owned and controlled by Independent Order of Odd Fellows. Receives dependent children from four to twelve years of age.

KENNEDY HOME, Kinston, N. C.,
R. H. HOUGH, Superintendent.

Located seven miles west of Kinston on Route No. 10.

Branch of Thomasville Baptist Orphanage.

JUNIOR ORDER ORPHANAGE, Lexington, N. C.,
W. M. SHUFORD, Superintendent.

Owned and controlled by the Junior Order of American Mechanics.

MAXWELL TRAINING SCHOOL, Franklin, N. C.,
J. E. LANCASTER, Superintendent.

Owned and controlled by the Home Mission Committee of the Asheville Presbytery. Receives dependent boys from five to fourteen years of age. This is also a boarding school.

MEMORIAL INDUSTRIAL SCHOOL, Winston-Salem, N. C.,
REV. J. W. POINDEXTER, Superintendent.

Controlled by a board of trustees and a member of the Winston-Salem Community Chest. Receives dependent Negro children from three to twelve years of age.

METHODIST CHILDREN'S HOME, Winston-Salem, N. C.,
REV. CHARLES WOOD, Superintendent.

Owned and controlled by the Western North Carolina Conference of the Methodist Church. Receives dependent children from three to thirteen years of age.

METHODIST PROTESTANT CHILDREN'S HOME, High Point, N. C.,
REV. E. G. LOWDERMILK, Superintendent.

Owned and controlled by the Methodist Protestant Church. Receives dependent children from four to twelve years of age.

METHODIST ORPHANAGE, Raleigh, N. C.,
REV. A. S. BARNES, Superintendent.

Owned and controlled by the North Carolina Conference of the Methodist Church. Receives dependent children from five to twelve years of age.

MOUNTAIN ORPHANAGE, Black Mountain, N. C.,
CARL BRINDLEY, Superintendent.

Owned and controlled by the Home Mission Committee of the Asheville Presbytery. Receives dependent children from four to fourteen years of age.

NAZARETH ORPHANS' HOME, Rockwell, N. C.,
REV. W. H. MCNAIRY, Superintendent.

Owned and controlled by the Reformed Church of North Carolina. Receives dependent children from five to sixteen years of age.

OXFORD ORPHANAGE, Oxford, N. C.,
R. L. BROWN, Superintendent.

Owned and controlled by the Grand Lodge of Masons of North Carolina. Receives dependent children from one to twelve years of age.

Partly supported by the State since 1878.

OXFORD COLORED ORPHANAGE, Oxford, N. C.,
H. P. CHEATHAM, Superintendent.

Owned and controlled by a board of trustees, three of whom are appointed by the Governor. Receives dependent children from three to fourteen years of age.

Partly supported by the State since 1893.

PRESBYTERIAN ORPHANS' HOME, Barium Springs, N. C.,
JOSEPH B. JOHNSTON, Superintendent.

Owned and controlled by the Presbyterian Church. Receives dependent children from two to twelve years of age.

PYTHIAN HOME, Clayton, N. C.,
R. D. JENKINS, Superintendent.

Owned and controlled by the Knights of Pythias. Receives dependent children from five to sixteen years of age.

ST. ANN'S ORPHANAGE, Belmont, N. C.,
SISTER M. BRIDE, Superintendent.

Controlled by Sisters of Mercy, Convent of the Sacred Heart.

THOMASVILLE BAPTIST ORPHANAGE, Thomasville, N. C.,
REV. M. L. KESLER, Superintendent.

Owned and controlled by the Baptist State Convention. Receives dependent children from two to twelve years of age.

Miss Hattie Edwards is Field Agent and Director of Mothers' Aid.

THOMPSON ORPHANAGE, Charlotte, N. C.
REV. W. H. WHEELER, Superintendent.

Owned and controlled by the Episcopal Church. Receives dependent children from one to twelve years of age.

2. MATERNITY HOMES:

SALVATION ARMY MATERNITY HOME AND HOSPITAL,
Wilmington, N. C.
ADJUTANT INA DEPEW, Superintendent.

This institution was licensed in 1925, and admits pregnant women between the ages of 12 and 30 who are first offenders. Inmates are kept from three to six months. Entrance fee is $35.00 and board is $10.00 per month. Capacity is about 45.

FLORENCE CRITTENTON INDUSTRIAL HOME, Charlotte, N. C.,
MRS. EDNA P. COWGILL, Superintendent.

Unmarried pregnant women of any age who are first offenders are admitted. Inmates are kept from 8 to 10 months, and are required to stay six months after birth of baby unless circumstances are exceptional. The Home is supported by voluntary contributions and a fee of $90.00 required of all inmates. The capacity is 10.

GREENSBORO REST COTTAGE, Greensboro, N. C.,
MRS. HELEN M. VANDEMARK, Superintendent.

Admits unmarried pregnant women up to 25 years of age, for no less than six months. The fee is $25.00 a month, payable in advance. The Home is supported by organizations and individuals in Guilford County and Greensboro.

COMPTON RESCUE HOME, Asheville, N. C.,
LUCIUS B. COMPTON, Superintendent.

Compton Rescue Home admits any girls or women in need of the services of a maternity home, with no age limits or restrictions. The most destitute cases are given preference. Inmates are kept six months. It is supported largely by private donations. Each girl is required to pay a medical fee of $25.00 and those who are able pay $15.00 per month board. Capacity is 18.

Requirements Governing the License and Conduct of Maternity Homes in North Carolina

In order to be assured that maternity homes in North Carolina conform to a standard satisfactory to the State Board of Charities and Public Welfare, the following requirements must be complied with before a license is granted:

1. That an advisory committee consisting of five local citizens be appointed to keep in touch with the financial and social conditions of the home.

(The work of the committee is of a two-fold nature—first to supervise the expenditures of funds and general oversight of the finances of the home; second, to pass on all cases seeking admission and also those leaving the home. No girl shall be allowed to leave the home until a thorough investigation of the home of the girl has been made and presented to the committee who shall have the final word in the discharge of the girl. In

the event she does not have a home to go to the committee shall find a suitable place for her which shall be approved by the Superintendent of Public Welfare in that county.)

2. That the premises of the home shall be kept in a sanitary and hygienic condition.

3. That the medical staff of the home include one registered nurse and one licensed physician.

4. That the delivery room of the hospital shall be adequately equipped.

5. That every person entering the hospital as a patient shall be given a thorough physical examination, with Wassermann test, within twenty-four hours after entrance.

6. That no greater number of women shall be kept at one time than is authorized by license.

7. That the home shall keep adequate records in the forms prescribed by the State Board of Charities and Public Welfare. The information shall be completely and adequately kept, and shall be truly recorded therein upon the entrance of the patient or within a reasonable time thereafter.

8. That the home shall not engage in the business of child-placing. (Any child born in the home who is illegitimate and whose father is unknown and whose mother shall be unable to care for it shall be turned over to the Juvenile Court.)

9. That the application for license shall be approved by the local board of charities and public welfare.

10. That the child and mother must not be separated under six months, except under such conditions as the law provided.

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3. STATE CORRECTIONAL INSTITUTIONS FOR JUVENILES:

EASTERN CAROLINA TRAINING SCHOOL, Rocky Mount, N. C.,
S. E. LEONARD, Superintendent.

This institution was established in 1923 and opened in 1926.
Delinquent white boys under eighteen years of age, are received by court commitment. It has a capacity of 30, and is soon to be enlarged.

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL, Concord, N. C.,
CHARLES E. BOGER, Superintendent.

Established in 1907. Receives delinquent white boys under sixteen years of age, by court commitment. Boys cannot be sentenced to the school for a definite length of time. When legally committed, a boy remains the charge of the institution during his minority, or until such time as he shall be discharged. Boys under sixteen sentenced to State Prison or county prison camps may be transferred by the Governor to this school.
The capacity of the school is approximately 450.

SAMARCAND MANOR, STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS, Samarcand, N. C.,

MISS AGNES B. MACNAUGHTON, Superintendent.

Established in 1918. Receives delinquent white girls by court commitment or by voluntary request. Commitments shall not be made for any specified length of time. When legally committed, the girl remains a charge of the institution during her minority or until such time as she shall be discharged. It is the policy of Samarcand to give preference to young girls.

The capacity of the school is soon to be 300.

MORRISON TRAINING SCHOOL FOR DELINQUENT NEGRO BOYS, Hoffman, N. C.,

REV. L. L. BOYD, Superintendent.

Established 1921. Opened 1925. Receives delinquent Negro boys under sixteen years of age, by court commitment. Boys cannot be sentenced or committed to the school for any specified length of time. When legally committed a boy remains a charge of the institution during his minority or until such time as he shall be discharged.

Negro boys under sixteen years of age who have been sentenced to the State Prison or county prison camps may be transferred to the institution by the Governor.

The capacity of the institution is soon to be 100.

NORTH CAROLINA HOME FOR COLORED GIRLS, Efland, N. C.,

MRS. M. E. HILL, Superintendent.

Opened 1926. Controlled by the State Federation of Colored Women's Clubs, but a small appropriation has been made by the General Assembly of 1927. Delinquent Negro girls under sixteen years of age, are received by court commitment.

The capacity of the institution is about 12.

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4. INSTITUTION FOR FEEBLE-MINDED:

CASWELL TRAINING SCHOOL, Kinston, N. C.,

W. H. DIXON, M.D., Superintendent.

Established 1911.

Receives feeble-minded boys and girls and feeble-minded adults in certain cases. Before applications for admission are submitted they must be approved by the local welfare officer and either the judge of the juvenile court or the clerk of the court of the county wherein the applicant resides.

Capacity is soon to be 550.

5. NORTH CAROLINA ORTHOPEDIC HOSPITAL, Gastonia, N. C.,

ROBERT B. BABINGTON, President.

Opened 1921.

Surgeons: DR. OSCAR L. MILLER, DR. J. S. GAUL.

The State Orthopedic Hospital was founded in 1909 for the scientific treatment and healing of crippled and deformed children of sound mind. It was created a State institution by the General Assembly of 1917, but did not receive children until 1921.

The hospital now has a ward for Negro children, given by B. N. Duke.

The capacity is soon to be more than 100.

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6. SCHOOLS FOR BLIND, AND DEAF:

SCHOOL FOR THE BLIND AND DEAF, Raleigh, N. C.,

G. E. LINEBERRY, Superintendent.

Established in 1845. Receives white blind children of sound mind between the ages of seven and twenty-one. Capacity is about 150.

In separate institution, founded 1868, colored deaf and blind are received. The capacity is about 175.

SCHOOL FOR THE DEAF, Morganton, N. C.,

E. McK. GOODWIN, Superintendent.

Established 1891. Receives deaf white children between the ages of seven and twenty-one. Capacity over 300.

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7. HOSPITALS FOR THE INSANE:

STATE HOSPITAL AT RALEIGH,

ALBERT ANDERSON, M.D., Superintendent.

Receives white insane persons from the eastern part of the State. Special arrangements for epileptics, criminal insane and Indian insane. Inebriates are treated at this institution.

Capacity is over 1500.

STATE HOSPITAL FOR THE INSANE, Morganton, N. C.

JOHN McCAMPBELL, M.D., Superintendent.

Receives white insane persons from the western part of the State. Inebriates are also treated at this institution.

Capacity is over 1,900.

STATE HOSPITAL AT GOLDSBORO,

W. C. LINVILLE, M.D., Superintendent.

Receives legally committed colored insane patients and inebriates, resident in the State of North Carolina. Special facilities for caring for the tubercular insane.

PRIVATE HOSPITALS FOR THE INSANE

APPALACHIAN HALL, Asheville, N. C.,
WILLIAM R. GRIFFIN, M.D., Director.

BEALMONT PARK SANATORIUM, Black Mountain, N. C.,
LOUIS G. BEALL, M.D., Director.

BROADOAKS SANATORIUM, Morganton, N. C.,
JAMES VERNON, M.D., Director.

GLENWOOD PARK SANATORIUM, Greensboro, N. C.,
W. C. ASHWORTH, M.D., Director.

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8. NORTH CAROLINA SANATORIUM FOR THE TREATMENT OF TUBERCULOSIS, Sanatorium, N. C.,

P. P. MCCAIN, M.D., Superintendent.

Established in 1907. Indigent tuberculous may be treated at the Sanatorium, when the board of city or county commissioners agree to pay one dollar per day.

A building for the treatment of children has been opened.

There is a ward for the criminal tuberculous.

Capacity of the Sanatorium is more than 350.

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9. HOMES FOR VETERANS AND WIDOWS:

SOLDIERS HOME, Raleigh, N. C.,
W. T. MANGUM, Superintendent.

To the Soldiers Home are admitted "such deserving, needy Confederate soldiers as shall have served in any North Carolina command in the late war, or who shall have served in the Confederate army and shall be a *bona fide* citizen of the State," under regulations adopted by the board of directors. (*See C. S.* 5127-5133.)

CONFEDERATE WOMAN'S HOME, Fayetteville, N. C.,
MRS. M. B.. BEAMAN, Superintendent.

To the Confederate Woman's Home are admitted "deserving wives and widows of North Carolina Confederate soldiers and other worthy dependent women of the Confederacy who are *bona fide* residents of this State," under such regulations as the board of directors may adopt. (*See C. S.*, 5134-5140.)

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10. STATE PRISON, Raleigh, N. C.,

GEORGE ROSS POU, Superintendent.

Number of prisoners in Central Prison, farms and camps, 1580.

Normal capacity, 1400.

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(See also Directory of Institutions, on Page 135)

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Page 50 should have been credited to "The Law vs The Mob"
by Monroe N. Work.

Capital Punishment

in

North Carolina

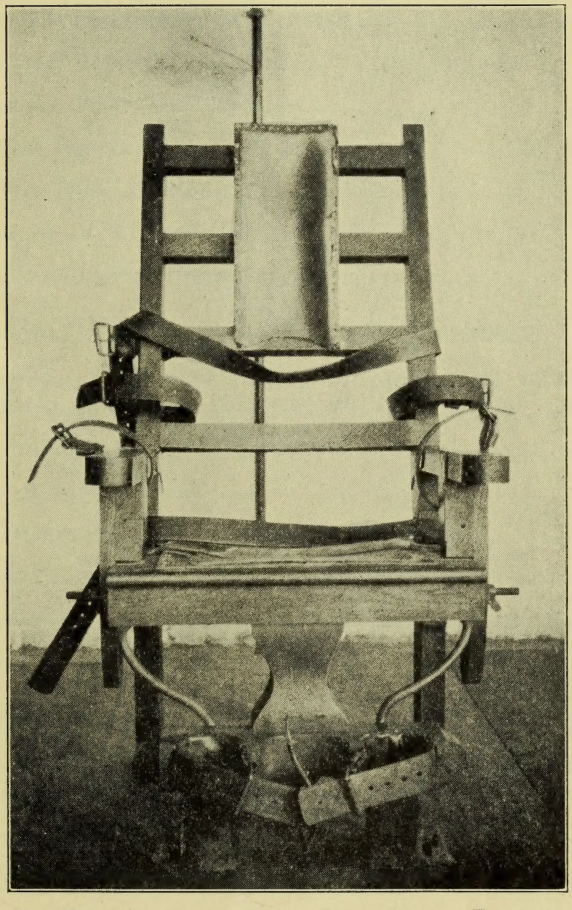
SPECIAL BULLETIN NUMBER 10

ISSUED BY

THE N. C. STATE BOARD OF CHARITIES AND PUBLIC WELFARE

KATE BURR JOHNSON, *Commissioner*

RALEIGH, N. C.
1929



THE ELECTRIC CHAIR AT THE STATE PRISON, RALEIGH, IN WHICH EXECUTIONS TAKE PLACE

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INTRODUCTION

The purpose of this study is to discuss the infliction of the death penalty in North Carolina, particularly during the 19 years since the electric chair was established as the means of executing capital offenders in this State.

There is given here a brief resumé of the history of punishment by death in North Carolina, showing the gradual restriction of the application of the extreme penalty from about 20 crimes in Colonial days to four at present. There are presented figures on the number of persons convicted of capital crimes since the electric chair was instituted here, their distribution by race, crime and disposition of case, together with analysis of their educational, marital and occupational status and age. The general trends in criminal convictions in North Carolina during this period are shown, with figures for each biennium, and as a background, a sketch of the penal system in the State. In one chapter are quoted newspaper reports of several recent electrocutions. The related subjects of lynching and mob violence also are treated, and an example given of the operation of executive clemency to secure justice in a capital case. The latter part of the study is devoted to 26 detailed case histories of persons sentenced to death for capital crimes in North Carolina during the last few years.

The primary object of the study is to present to the people of North Carolina, and to the State's judicial and penal officers and social workers material which hitherto has not been conveniently available and which, it is hoped, they will find valuable in its bearing on the grave problem of capital crime and the State's method of dealing with those offenders who are guilty of it. The facts presented here are eloquent in themselves. These facts strongly suggest the necessity of further serious study of the subject of capital punishment and other social problems with which it is related, especially that of mental deficiency. This study does not pretend to be exhaustive, but is suggestive, rather than conclusive.

A visit to the death row in the State Prison at Raleigh is an experience which every citizen of the State should have at least once. The prisoners in the death row are there because the people of North Carolina wish them to be or are indifferent to or ignorant of the social factors responsible for their situation. That many persons condemned to death eventually receive commutation of sentence does not lessen the responsibility of the individual citizen in regard to the death penalty. As uncomfortable as it may make him, he should be willing to face the concrete results of whatever attitude, or lack of one, he has had toward capital punishment as it is found in that depressing group at Raleigh.

It is hardly conceivable that a person can have the experience of such a visit without asking himself some very pertinent questions. He will see among these condemned men the poor and the ignorant—for the affluent and educated are seldom found in the death cells—the feeble-minded, the insane and the psychopathic. By talking with them he will discover that some of them are so simple in mind that they have little conception of the seriousness of their situation, or the significance of the electric chair only a few yards away, as the one who naively remarked, "This 'lectrcushion's shorely gwine teach me a lesson". He will find that many of them are illiterate, that others have no memory of a home, a church, a school or a community whose influence might

have led the wandering feet of childhood along a path that had a happier end. He will see that, if they are not also the victims of mental deficiency, these are for the most part the children of ignorance and neglect. He may come to the conclusion that the end, as bad as it is, is not the worst aspect of their situation, and that death is not the epitome of punishment.

He may be led to wonder whether there may not be children in his own community who are starting on the same path, and if so, whether he cannot do something about it. And if these impressions give him a feeling of personal responsibility, the purpose of this study will have been largely accomplished. For its prime object is not an arraignment of capital punishment per se, but an effort to present to the people of North Carolina a true picture of what capital punishment means in this State. The North Carolina State Board of Charities and Public Welfare hopes thereby to stimulate a sane, popular interest in a tragic human problem, from which, it is hoped, will come an enlarged social program of prevention. If the racial aspect of this study seems conspicuous, it is because it inevitably enters largely into this question in a Southern State.

To Lawrence A. Oxley, Director of the Division of Work among Negroes of the State Board of Charities and Public Welfare, is due chief credit for the collection of the material, most of which is publicly presented here for the first time. Grateful acknowledgment is made to the officials of the State Prison at Raleigh for their cooperation in gathering the prison statistics used as part of this study. Members of the Institute for Research in Social Science of the University of North Carolina rendered valuable assistance in the preparation of the study, as did members of the State Historical Commission and Mrs. Lillian B. Griggs, Secretary and Director of the North Carolina Library Commission. Further acknowledgment is made of the assistance given by Assistant Attorney General Frank Nash, State Pardon Commissioner Edwin B. Bridges, R. Eugene Brown and Dr. Harry W. Crane, of the Staff of the State Board of Charities and Public Welfare and Col. F. A. Olds and Mr. A. R. Newsome of the N. C. Historical Commission.

The study was edited by Nell Battle Lewis who rewrote and rearranged most of the material, drew the graphs and collected part of the data presented in the historical sketch.

CHAPTER I

HISTORICAL SKETCH

"Within the past 28 years more than 3,000 persons have been sent to the scaffold or the electric chair in the United States, and at the present time we are putting men to death to atone for their crimes at the rate of about 100 a year." (Raymond T. Bye in *Capital Punishment in the United States.*)

In North Carolina, capital punishment, or the infliction of the penalty of death for crime under the sentence of some properly constituted authority, was established when the colonists came over to this country from England. They brought with them the English criminal law as it was then in force, which included the common law of crimes, together with the existing statutory modifications. Much of the English common law continues in force in this State, as defined by Section 970 of the Consolidated Statutes.

In their first charter the Lords Proprietors of North Carolina were authorized "in person and by their deputies, etc., to make laws and to execute . . . . by imposition of penalties, imprisonment, or any other punishment, yea, if it be needful and the quality of the offense requires it, by taking away members and life . . . . provided, nevertheless, that the said laws be consonent with reason, and as near as may be conveniently agreeable to the laws and customs of this our Kingdom of England".

Gruesome pictures of old English methods of inflicting capital punishment have come down to us, and the law books furnish corroboration of the most sensational fiction. Blackstone says that capital punishment "consists generally in being hanged by the neck till dead, though in very atrocious crimes other circumstances of terror, pain or disgrace are superadded; in high treason affecting the King's person or government, embowelling alive, beheading and quartering; and in murder a public dissection". An old form of sentence concludes "and there be hanged by the neck until he be dead, and that afterwards his body be dissected and anatomized".

An example of the old English form of capital punishment for treason is found in the following judgment awarded in 1746. (English State Trials, Vol. XVIII, p. 502):

"The judgment of the law is and this high court doth award:

"That you, William, earl of Kilmarnock, George, earl of Cromertie, and Arthur, lord of Balmerino, and every one of you, return to the prison of the Tower, from whence you came; from thence you must be drawn to the place of execution; when you come there you must be hanged by the neck, but not till you are dead; for you must be cut down alive; then your bowels must be taken out, and burnt before your faces; then your heads must be severed from your bodies and your bodies must be divided each into four quarters and these must be at the King's disposal. And God Almighty be merciful to your souls."

The old law was not satisfied even by such violent measures, but upon every judgment of outlawry or of death, for treason or felony, a man was said to be attainted, attinctus, stained or blackened. The consequences of this condition were forfeiture of property and "corruption of blood", which meant forfeiture of rights of inheritance. This was

extended by "bills of attainder", special acts of attaint passed by Parliament in particular cases not embraced by the general law.

Burning at the Stake

Both in law and practice North Carolina was the daughter of her English mother. In the early records of this State there are several instances of burning at the stake.

Prior to 1793 slaves were tried "without the solemnity of a jury" by three justices and four freeholders of the county, and sentence was passed by these persons "according to their discretion, as the nature of the crime shall require". (Act of 1741, Iredell's Revisal, Ch. XXIV, Sec. 48.)

At such a trial the following judgment was rendered in Duplin County in 1787 and may be found in the old court records:

"At a special court begun and held at the Court House in Duplin County on Thursday the 15th day of March in the Year of our Lord 1787, for the immediate Tryal of Darby and Peter two Negro Slaves the Property of the late William Taylor, Esq., now committed and to be tryed for the murder of the said William Taylor their Master, which court being summoned and convened by the Sheriff of the said County and being duly Qualified according to law, were Present, to wit:

Thomas Routledge
Joseph Dickson
James Gillespie
} Esquires Justices

Lewis Thomas
James Middleton, Sr.
Isaac Hunter
Alexander Dickson
} Freeholders. All being owners of slaves and unexceptionable according to law.

"The said Negro man Darby being brot before the Court did Confess that he did on the Thirteenth day of this Instant Month felloniously Maliciously and Willfully murder his said Master William Taylor by striking him on the head with an ax into his Brains of which wounds his Master instantly Died whereupon the Court doth pass this Sentence in the word following to wit that the said Negro Man Darby be immediately committed to Gaol under a good Guard and that on Tomorrow between the Hours of one and four o'clock in the afternoon he be taken out thence and tied to a Steak on the Court House lott and there burned to Death and to Ashes and his ashes strewed upon the Ground and that the Sheriff see this Order Executed.

"The said Negro slave Peter a boy about fourteen years of age being brought before the Court and examined did Confess that he was present when his Master the said William Taylor was murdered and that he did aid and assist his Brother the aforesaid Darby in committing the said Murder, the court having taken into consideration the youth of the said Peter and considering him under the Influence of his said older Brother Darby, have thought proper to pass this sentence in the following words to wit:

"That the said Negro boy Peter be committed to the Gaol and there to Remain under a good Guard, till Tomorrow, and then between the Hours of one and four o'clock he be taken thence and tied to a Post on the Court House Lott, and there to have one half of Each of his Ears cut off and be branded on each cheek with the letter M and Receive one

hundred lashes well laid on his bare back and that the Sheriff see this order executed.

"To which sentences the Court have hereto subscribed their Names.

THOS. ROUTLEDGE
JOSEPH DICKSON
JAMES GILLESPIE
LEWIS THOMAS
JAMES MIDDLETON
ISAAC HUNTER
ALEXANDER DICKSON.

"Test W. DICKSON, *C. C.*"

In November, 1780, a Negro slave girl in Johnston County was convicted of poisoning the father and family of her master and was sentenced "to be taken to the ground of the court green and there be burned to death by a stake".

In 1762 also there is record of a Negro slave in Duplin County having been burned to death. The Sheriff who applied the fire received 50 pounds for doing so. These two cases are in the old court records.

In New Hanover County, a Negro slave convicted of robbery in February, 1768, after having been hung was beheaded "and his head affixed up upon the point near Wilmington." This is cited in The Biographical History of North Carolina.

There are frequent instances of unmentionable mutilations in the old records and in one case Dr. Anthony Newton was paid for amputating the hand of John Burnett, "a notorious felon". The nature of Burnett's offense which was thus punished is not stated. Public whippings, confinement in the pillory, branding and cutting off the ears also were common.

Crimes Formerly Punished by Death

Numerous crimes were punished by death prior to 1868 when the new State Constitution limited the infliction of the death penalty to persons convicted of murder, arson, rape and burglary in the first degree. The Revised Statutes of North Carolina of 1836-37 (Ch. XXXIV, p. 191) list the following crimes as punishable by death without benefit of clergy: murder, burglary, arson (of dwellings, shops, warehouses, public buildings, public bridges and private toll bridges) highway robbery, fighting a duel in which one of the parties had been killed, castration, rape, crime against nature, house-breaking in daylight when goods amounting to $2.00 were stolen; malicious maiming (second offense), breaking prison (when the person had been imprisoned for a capital crime), a slave's embezzlement of his master's goods to the value of $10.00, stealing slaves, conveying free Negroes out of the State to sell them, circulating seditious literature calculated to incite slaves to insurrection, and inciting slaves to insurrection by word of mouth (both, second offense). By the act of 1841 a conspiracy of three or more slaves constituted a rebellion and was punishable by death (Iredell's Revisal, Ch. XXIV, Sec. 47). Though killing a slave ordinarily was murder punishable by death, escaped slaves were outlawed and might be killed without penalty, when public proclamation had been issued against them.

The penalty for bigamy, as set by the General Assembly of 1790, was death with benefit of clergy, unless the first spouse had been absent for seven years across the sea or was living, unknown, in distant parts. Divorce also was an exception. When benefit of clergy was granted in cases of bigamy, the court at its discretion might sentence the offender to be publicly whipped, fined, imprisoned and branded with the letter

B on the left cheek. Benefit of clergy for this crime was taken away in 1809 but was restored in 1829. Benefit of clergy was also allowed to persons convicted of horse-stealing. Punishment for felonies under this benefit usually meant confinement in the pillory, public whipping, branding, fine and imprisonment, any or all.

"Benefit of clergy" originally denoted the exemption accorded to clergymen from the jurisdiction of the secular courts. Later it came to mean a privilege of exemption from the punishment of death allowed to such persons as were clerks, or who could read. This privilege of exemption from capital punishment was anciently allowed to clergymen only, but afterwards to all who were connected with the church, and still later to all persons who could read, whether ecclesiastics or laymen. When a person had claimed this exemption, which was known as "praying his clergy", he was given a psalm to read as a test of his clerical character. Usually this psalm was the 51st which begins, "Have mercy upon me, O God, according to thy loving-kindness: according unto the multitude of thy tender mercies blot out my transgressions".

The privilege of benefit of clergy operated greatly to mitigate the extreme rigor of the old criminal laws, but it was found to involve such gross abuses that the English Parliament began to enact that certain crimes should be felonies "without benefit of clergy". It was abolished in England during the reign of George IV, and for capital crimes against the United States by Congress in 1790 after which at different times it was abolished by the States. It existed in North Carolina well into the eighteenth century. But its abolition is noted in the Revised Code of North Carolina of 1854.

Attempted Reform

An interesting, if abortive, attempt at reform of the punishment for at least one capital crime occurred in this State in 1786 when the General Assembly declared that "Whereas it is inconsistent with the policy of a well-regulated government that the crime of horse-stealing should be subject to a punishment as that which is inflicted for the most atrocious offense of which human nature is capable, and whereas from the punishment in its nature and gradation bearing no proportion to the guilt, the persons injured from compassion forbear to prosecute, juries from the same motive, too often acquit and if convictions are had, pardons are extended to the guilty, whereby the present mode of punishment is found inadequate to the evil" and enacted that for the first offense of horse-stealing the convicted person should stand one hour in the pillory, be publicly whipped on the bare back with not more than 39 lashes well laid on, have both his ears nailed to the pillory and then cut off, and be branded "in a plain and visible manner" on the right cheek with the letter H, and on the left with the letter T, three-quarters of an inch long and half an inch wide. But the penalty of death without benefit of clergy was retained for the second offense (State Records of North Carolina, Laws, 1777-1788, Vol. XXIV, p. 795).

Perhaps this amelioration of punishment for the horse-thief, slight though it was, was considered sentimental at that time, for the General Assembly of 1790 re-enacted the death penalty without benefit of clergy for the first offense of horse-stealing, declaring in regard to the reform four years earlier that "the present method of punishment is not attended with the salutary effect intended by the Legislature". (State Records of N. C., Laws 1788-90, Vol. XXV, p. 74.)

In 1817 the first offense of horse-stealing was made "clergiable"; by the Revisal of 1836-37 benefit of clergy is allowed for the second offense.

There had been other slight modifications of punishments for capital crimes in the early days. By the act of 1754 malicious maiming punishable by death included cutting off or disabling the tongue, putting out an eye, slitting or biting or cutting off nose or lip, "biting or cutting off or disabling any limb or member of any subject of his majesty". (Potter's Revisal, Ch. 56, p. 194.) The General Assembly of 1791 made the first offense punishable by the pillory, public whipping, etc., and limited the offense to cutting out or disabling the tongue or putting out an eye. By the same act, maiming of nose, lips, or limbs was punishable by imprisonment for six months and fine at the discretion of the court.

The penalty for counterfeiting, which originally had been death without benefit of clergy, also was modified, the Legislature of 1779 setting confinement in the pillory, branding, amputating the ears, whipping and imprisonment as the punishment for the first offense, but retaining the penalty of death without benefit for the second. (Potter's Revisal, Ch. 158, p. 399.) The death penalty for counterfeiting was abolished in 1811, the penalty for the first offense being public whipping, and for the second, whipping, imprisonment and branding with the letter C.

Between 1827 and 1854 there was further modification. In the Revised Code of North Carolina of 1854 we find that the death penalty for housebreaking in daylight when goods amounting to $2.00 had been stolen was no longer inflicted, but applied only to breaking into a dwelling at night with intent to commit a felony. Bigamy was no longer punished by death, but by fine, imprisonment and branding. The death penalty was not inflicted upon servants who had embezzled their master's goods to the value of $10.00, but those embezzling goods valued as high as $5.00 were publicly whipped and imprisoned at the discretion of the court. Forgery was punished by confinement in the pillory, whipping, fine and imprisonment of not less than six months nor more than three years, at the discretion of the court. Burning of bridges or town buildings which did not contain archives was changed from a capital felony to a misdemeanor. Horse-stealing was no longer a capital crime. Benefit of clergy had been abolished, with the stipulation that none should suffer death except for offenses which previously had been excluded from this benefit.

When we recall that about 20 crimes were punished by death in Colonial North Carolina and about 14 as late as 1854, we realize what a marked advance in the humane treatment of felons is represented by the provision of State Constitution of 1868 which limits the infliction of the death penalty to persons convicted of four crimes, murder, rape, arson and burglary in the first degree. The gradual evolution of capital punishment in North Carolina, as elsewhere, has been in the direction of restriction of the death penalty. In continuation of this trend, it is possible that in time this form of punishment may be abolished in this State without arousing adverse public opinion.

Provision for Private Executions

By the law of 1868 and subsequent amendments provision was made for private executions, as follows:

"As the ends of justice, public morals and the preservation of order, demand that the execution of all capital offenders should be made private and invested with the solemnity appropriate to the final act of penal law, any sheriff on whom shall devolve the execution of a sentence of death on a public offender, shall be required to provide for the execution of such criminal within the jail-yard enclosure, and as

much removed from public view as the means within his control will allow: Provided, that, for reasons which may be deemed good and sufficient, the board of commissioners may otherwise order.

"The sheriff, after having provided for the private execution of the criminal, may admit by ticket, in addition to the required guard, two physicians and necessary assistants, not more than 36 nor less than 18 respectable citizens, to witness for the State, the due observance of the law.

"In all cases of affirmance of a sentence for a capital felony the clerk of the Superior Court, at the same time that the decision of the Supreme Court is certified down to the Superior Court, shall send a duplicate thereof to the Governor, who shall immediately issue his warrant under the great seal of the State to the sheriff of the county in which the appellant was sentenced, directing him to execute the death penalty on a day specified in date of said warrant, not less than 30 days from the date of said warrant but this shall not deprive the Governor of the power to pardon or reprieve the defendant or to commute the sentence." (Laws of N. C., 1868, Chs. 21, 22, 1, 2, 3; Battle's Revisal, 1873, Ch. 32, ss. 156, 157; Laws of N. C., 1879, Ch. 221, s. 1; The Code of N. C., 1883, Vol. I, Ch. 26, ss. 1243, 1244; Laws of North Carolina 1887, Ch. 192, s.c.; Revisal of N. C., 1905, Vol. I, ss. 3284, 3285, 3286.)

Despite this provision for privacy, executions by hanging continued public in North Carolina until 1879.

The Last Hanging

The following quotation from *The Raleigh News and Observer* of March 12, 1910, describes the last hanging which took place in North Carolina, and the circumstances leading up to it:

"The last legal hanging in the old North State took place at Elizabethtown at high noon today when Henry Spivey, colored, paid the death penalty for the murder of his father-in-law, Frank Shaw, near Abbottsburg, this county, in the fall of 1908.

"Spivey was tried and convicted at the March term of court 1909, and sentenced to be hanged on May 11th, following. He had been respited by the Governor twice and had high hopes of further respite, if not reprieve to life imprisonment. At his trial he had the service of nine attorneys and they have worked diligently to save his neck.

"Judge Adams who tried the case refused to sign a petition for life imprisonment, so did Solicitor Sinclair, and only two of the trial jury would sign for reprieve.

"Sheriff Clark has had his prisoner guarded closely day and night knowing the character of his man. He had tried to escape from the jail here after his conviction and was taken to the State Penitentiary for safe-keeping and gave the officers of that institution lots of trouble.

"The gallows today was enclosed by a high board fence and an inclosure about it was roped off. Spivey seemed brave and walked to the gallows, but just as the black cap was being adjusted he began to sink and with quick presence of mind Sheriff Clark pulled the lever. It was ten minutes before the attending physician pronounced the doomed man dead.

"Although Spivey had considerable property at the time of his arrest and had handled thousands of dollars as a gambler, at which business he was an expert, his body was buried by the county authorities, at the county poor farm, his wife refusing to have anything to do with it.

"The crowd dispersed in an orderly manner. No trouble was manifested or expected, though armed guards were in attendanse".

The First Electrocution

In 1909 the method of inflicting the death penalty was changed in North Carolina, and the General Assembly of that year substituted death by electrocution at the State Prison at Raleigh in place of hanging. The first to suffer the death penalty by electrocution in this State was Walter Morrison, a 37-year old Negro of Robeson County, who had been convicted of rape on Polly Rodgers, a Croatan woman. He was executed on March 18, 1910.

Morrison was one of the State's most dangerous criminals and his death sentence followed a long series of crimes. As reported in *The Raleigh News and Observer* of March 19, 1910, the chief events of his criminal career were as follows:

At the April, 1898, term of Robeson County court he entered a nolo contendere on a charge of assault, and judgment was suspended on the payment of costs.

At the October term, 1898, he was found guilty of an assault with intent to commit rape and was sentenced to five years in the State prison.

At the November term, 1903, he plead guilty of housebreaking and judgment was suspended on payment of the costs.

At the July term, 1905, he plead guilty of larceny and was sentenced to twelve months on the roads. While waiting to be carried to the chain gang, he broke jail.

At the November term, 1905, a true bill for larceny was returned against him and a capias issued, but he could not be found.

At the same term, a true bill for escape was returned against him. Later he was captured and put on the chain-gang to serve out his original term. After serving three days, he escaped, but was later recaptured.

It was on the day of his discharge, May 27, 1909, that Morrison committed rape on Polly Rodgers, the crime for which he was electrocuted. On his way home from the chain-gang he enticed this woman, who had her baby in her arms, into the woods, by telling her that a man resembling her husband lay dying there.

Tried in July, 1909, he was sentenced to be electrocuted on September 10, 1909, but was reprieved four times because of delay in installing the new electric chair at the State Prison. The later dates set for his electrocution were October 15, 1909, November 12, 1909, January 14, 1910, and March 18, 1910. On March 3, 1910, an application for commutation of his sentence was made, but was refused a week later.

Since the electrocution of Morrison, 94 persons have met death in the electric chair in North Carolina, 81 Negroes and 13 whites.

Limitation of Witnesses

Despite the legal limitation of witnesses allowed at an electrocution to "twelve respectable citizens in addition to the warden or deputy warden, prison physician, counsel and relatives of the prisoner, and a minister of the gospel" (C. S. 4660, 1919), at the electrocution of McIver Burnett in 1924 a crowd of 82 persons, ten of them women, jammed themselves into the death chamber at the State Prison. One of the women present was the woman upon whom the condemned man had committed rape. These circumstances led the General Assembly of 1925 to enact the following statute further limiting the number of witnesses allowed to attend an electrocution:

"Some guard or guards or other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been pronounced to be electrocuted as provided by this article and all amendments thereto.

The electrocution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the guard or guards or other reliable person or persons, who shall cause the person, convict or felon against whom the death sentence has been pronounced to be electrocuted as provided by this article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in his stead; the surgeon or physician of the penitentiary and six respectable citizens, the counsel and any relative of such person, convict or felon and a minister or ministers of the gospel may be present if they so desire, and the board of directors of the penitentiary may provide for and pay the fee for each execution not to exceed thirty-five dollars." (Laws of N. C. 1925 c. 123, amending s. 4660 of the Consolidated Statutes.)

Statutes on Capital Crimes

There follow the provision of the Constitution of North Carolina declaring which crimes shall be punishable by death, together with the statutes defining these four capital felonies, murder, rape, burglary and arson, and the statutes legalizing death by electrocution as the punishment therefor, and describing the manner and place of execution.

Constitution of N. C. Art. XI, Sec. 2. The object of punishment being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary and rape and these only may be punishable with death, if the General Assembly shall so enact.

C.S. 4200. **Murder in the first and second degree defined: Punishment.** A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, burglary or other felony, shall be deemed to be murder in the first degree and shall be punished with death. All other kinds of murder shall be deemed murder in the second degree, and shall be punished with imprisonment of not less than two nor more than thirty years in the State Prison.
Rev., s. 3631; 1893, c. 85; 1893, c. 281.

C.S. 4204. **Punishment for rape.** Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted of unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death.
Rev., s. 3637; Code, s. 1101; R. C., c. 34, s. 5; 18 Eliz., C. 7; 1868-9, C. 167, s. 2; 1917, c. 29.

C.S. 4232. **First and second degree burglary.** There shall be two degrees in the crime of burglary as defined at the common law. If the crime be committed in a dwelling-house, or in a room used as a sleeping apartment in any building, and any part of said dwelling-house or sleeping apartment at the time of the commission of such crime, it shall be burglary in the first degree. If such crime be committed in a dwelling-house or sleeping apartment not actually occupied by any one at the time of the commission of the crime, or if it be committed in any house within the curtilage of a dwelling-house or in any building not a dwelling-house, but in which is a room used as a sleeping apartment and not actually occupied as

such at the time of the commission of the crime, it shall be burglary in the second degree.
Rev., s. 3331; 1889, c. 434, s. 1.

C.S. 4238. **Punishment for arson.** Any person convicted according to due course of law of the crime of arson shall suffer death.
Rev., s. 3335; Code, s, 985, R. C., c. 34, s. 25, 1870-1, c. 222.

C.S. 4657. **Death by electrocution.** Death by hanging under sentence of law in North Carolina is hereby abolished and electrocution or death by electricity substituted therefor.
1909, c. 443, s. 1.

C.S. 4658. **Manner and place of execution.** The mode of executing a death sentence must in every case be by causing to pass through the body of the convict or felon a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict or felon is dead; and the warden of the penitentiary of North Carolina or, in case of his death, inability or absence, a deputy warden shall be the executioner; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, such punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this article and approved by the governor and council of state, the necessary appliances for the infliction of the punishment of death in accordance with the requirements of this article.
1909, c. 443, s. 2.

CHAPTER II

STATISTICS ON CAPITAL CONVICTIONS

Of the 200 persons, 199 men and one woman, who were committed to the State Prison at Raleigh for capital crimes from the time the electric chair was instituted in 1909 through the commitment of Clarence Thomas January 21, 1928, there were 149 Negroes and 51 whites. That is, the Negroes represent 74.5 per cent of the commitments during this period; and the whites represent 25.5 per cent.

Since March 18, 1910, when the first electrocution took place, 94 of these 200 persons, or 47 per cent, have met death in the electric chair. Of these 94 persons electrocuted, 81 persons, or 86 per cent, were Negroes; and 13 persons, or 14 per cent, were whites.

The 94 electrocutions are distributed thus: 71, or 75.53 per cent, for first degree murder; 21, or 22.34 per cent for rape; and 2, or 2.13 per cent, for first degree burglary. Of the 71 electrocutions for first degree murder, 59, or 83 per cent, were of Negroes; and 12, or 17 per cent, were of whites. Of the 21 electrocutions for rape, 20, or 95.2 per cent, were of Negroes; and one, or 4.8 per cent, was of a white man. Both electrocutions for first degree burglary were of Negroes.

On a basis of the total number of convictions for capital crimes during the period, percentages represented by these 94 electrocutions are: Negroes, 40.5 per cent; whites, 6.5 per cent; both races, 47 per cent. The Negro electrocutions represent 54.4 per cent of the Negro convictions; and the white electrocutions represent 25.5 per cent of the white convictions.

The annual number of electrocutions follows: None in 1909, one in 1910, nine in 1911, two in 1912, none in 1913, six in 1914, two in 1915, nine in 1916, four in 1917, seven in 1918, four in 1919, six in 1920, seven in 1921, four in 1922, seven in 1923, one in 1924, 12 in 1925, four in 1926, five in 1927. Four of the electrocutions included in this study took place in 1928, making the total of 94, but these four are not the complete record for that year.

A table follows which gives annual number of admissions to the State Prison of persons convicted of capital crimes, showing distribution by race, by crime for which convicted, and by disposition of case. It should be noted that although these prisoners were sentenced to be electrocuted in the year designated by this table, some of them were not actually put to death until later, which explains the apparent discrepancy between the electrocution figures in this table and the ones given in the preceding paragraph.

The following table shows that the largest number of admissions to the State Prison for capital crime in any one year since 1909 is 17, in 1914, 1922, and 1924. The second largest number is 16, in 1919, and the third largest number is 15, in 1916. In only two years, 1916 and 1919, has the number of white admissions exceeded that of the Negroes.

TABLE AA—ANNUAL ADMISSIONS TO THE STATE PRISON OF PERSONS CONVICTED OF CAPITAL CRIMES

Year	Total Number of Admissions for Capital Crimes	Race of Convicted Person		Capital Crimes for Which Convicted			Disposition of Case		
		Negroes	Whites	Murder	Rape	Burglary	Electrocuted	Commuted	New Trial
1909	2	2	0	1	1	0	1	1	0
1910	5	4	1	5	0	0	3	2	0
1911	12	10	2	11	1	0	8	4	0
1912	4	4	0	4	0	0	0	4	0
1913	4	2	2	3	1	0	1	3	0
1914	17	14	3	13	3	1	5	12	0
1915	9	8	1	6	3	0	6	3	0
1916	15	7	8	12	2	1	5	10	0
1917	13	10	3	8	2	3	7	6	0
1918	8	6	2	5	2	1	4	4	0
1919	16	7	9	13	3	0	7	8	1
1920	11	6	5	8	3	0	6	5	0
1921	8	5	3	7	1	0	4	3	1
1922	17	12	5	9	6	2	5	12	0
1923	10	9	1	7	3	0	7	3	0
1924	17	14	3	15	2	0	9	8	0
1925	13	12	1	9	4	0	6	6	1
1926	10	8	2	9	1	0	4	4	2
1927	7	7	0	5	1	1	4	2	1
*1928	2	2	0	2	0	0	2	0	0
Total	200	149	51	152	39	9	94	100	6

*Incomplete.

Disposition of Cases

In addition to the 94 persons electrocuted, 100 persons, 66 Negroes, 33 white men and one white woman, have had their sentences commuted to life imprisonment or to shorter terms, usually 22½ years to 30 years in the State Prison. That is, 66 per cent of the commutations have been granted to Negroes and 34 per cent to whites.

On a basis of the total number of convictions, percentages represented by these commutations are: Negroes 33 per cent; whites 17 per cent; both races 50 per cent. The Negro commutations represent 44.3 per cent of the Negro convictions; and the white commutations represent 66.7 per cent of the white convictions.

Two Negroes and four whites were granted new trials on appeal to the Supreme Court, and at the second trial all were found guilty of a lesser offense. For these lesser offenses one white man was sentenced to the county chain-gang and four Negroes and one white man each received a sentence from 20 to 30 years in the State Prison.

On a basis of the total number of convictions, percentages represented by these second trials are: Negroes one per cent; whites two per cent; both races three per cent. The Negro second trials represent 1.3 per cent of the Negro convictions and the white second trials represent 7.8 per cent of the white convictions.

Eleven Negroes and seven whites have escaped after their sentences have been commuted, and none of this number have been recaptured. The average length of time served by each of these prisoners from the date of commutation to the date of escape was three years and nine months. On a basis of the total number of convictions, percentages represented by these escapes are: Negroes, 5.5 per cent; whites, 3.5 per cent; both races, nine per cent. The Negro escapes represent 7.3 per cent of the Negro convictions; and the white escapes represent 13.7 per cent of the white convictions.

Six Negroes and two whites have died in prison of natural causes. On a basis of the total number of convictions, percentages represented by these deaths are: Negroes, three per cent; whites, one per cent; both races, four per cent. The Negro deaths represent four per cent of the Negro convictions; and the white deaths represent 3.9 per cent of the white convictions.

Six Negroes and six whites have been pardoned. On a basis of the total number of convictions, percentages represented by these pardons are: Negroes, three per cent; whites, three per cent; both races, six per cent. The Negro pardons represent four per cent of the Negro convictions; and the white pardons represent 11.7 per cent of the white convictions.

Five Negroes and two whites have been transferred to the criminal departments of the hospitals for the insane at Goldsboro and Raleigh. On a basis of the total number of convictions, percentages represented by these transfers are: Negroes, 2.5 per cent; whites, one per cent; both races, 3.5 per cent. The Negro transfers represent 3.3 per cent of the Negro convictions; and the white transfers represent 3.9 per cent of the white convictions.

One Negro and three whites have been discharged through special commutation of their sentences. On a basis of the total number of convictions, percentages represented by these discharges are: Negroes, five-tenths of one per cent; whites, 1.5 per cent; both races, two per cent. The Negro discharge represents six-tenths of one per cent of the Negro convictions; and the white discharges represent 5.8 per cent of the white convictions.

TABLE A—DISTRIBUTION ACCORDING TO DISPOSITION OF CASE

Disposition	NEGROES			WHITES			Total Per Cent (Negro and White) of All Convictions
	Number of Prisoners	Per Cent of Negro Convictions	Per Cent of Total Convictions	Number of Prisoners	Per Cent of White Convictions	Per Cent of Total Convictions	
Electrocuted	81	54.4	40.5	13	25.5	6.5	47
Commuted	66	44.3	33	34	66.7	17	50
Granted New Trial	2	1.3	1	4	7.8	2	3
Escaped After Commutation	11	7.3	5.5	7	13.7	3.5	9
Died in Prison	6	4	3	2	3.9	1	4
Pardoned	6	4	3	6	11.7	3	6
Transf'd to Hospitals for Insane	5	3.3	2.5	2	3.9	1	3.5
Discharged	1	.6	.5	3	5.8	1.5	2

NOTE:—Several of the divisions in this table overlap.

Types of Capital Crime

In the 200 convictions for capital crime, murder in the first degree leads with 152 cases. There were 39 cases of rape and nine cases of first degree burglary. No cases of arson are recorded.

Of the 152 cases of first degree murder, 106, or 69.7 per cent were committed by Negroes, and 46, or 30.3 per cent by whites. On a basis of the total number of convictions, percentages represented by these murders are: Negroes, 53 per cent; whites, 23 per cent; both races, 76 per cent. The murders by Negroes represent 71 per cent of the Negro convictions, and the murders by whites represent 45 per cent of the white convictions.

Seventy-one of the 152 persons sentenced to death for first degree murder have been electrocuted, or 40 per cent. The racial distribution of these electrocutions is given earlier in this chapter.

The largest number of admissions to the State Prison for the crime of first degree murder in any one year was 15 in 1925. Of these 12 were of Negroes and three of whites. The second largest number was 13, in 1914 and 1919. The racial distribution in 1914 was 11 Negroes and two whites, and in 1919 it was six Negroes and seven whites. The third largest number was 12 in 1916, four Negroes and eight whites. (See Table AA.)

The 152 sentences for first degree murder represent 38 per cent of the 395 indictments for this crime which were brought in North Carolina during the period covered by this study. These 395 indictments for first degree murder in turn, represent 9.8 per cent of the 4,043 indictments for the three types of homicide which were brought during this period. Among these 4,043 indictments, those for second degree murder lead, 2,655 in number, or 65.7 per cent of the total. There were 993 indictments for manslaughter, or 24.5 per cent of the total number.

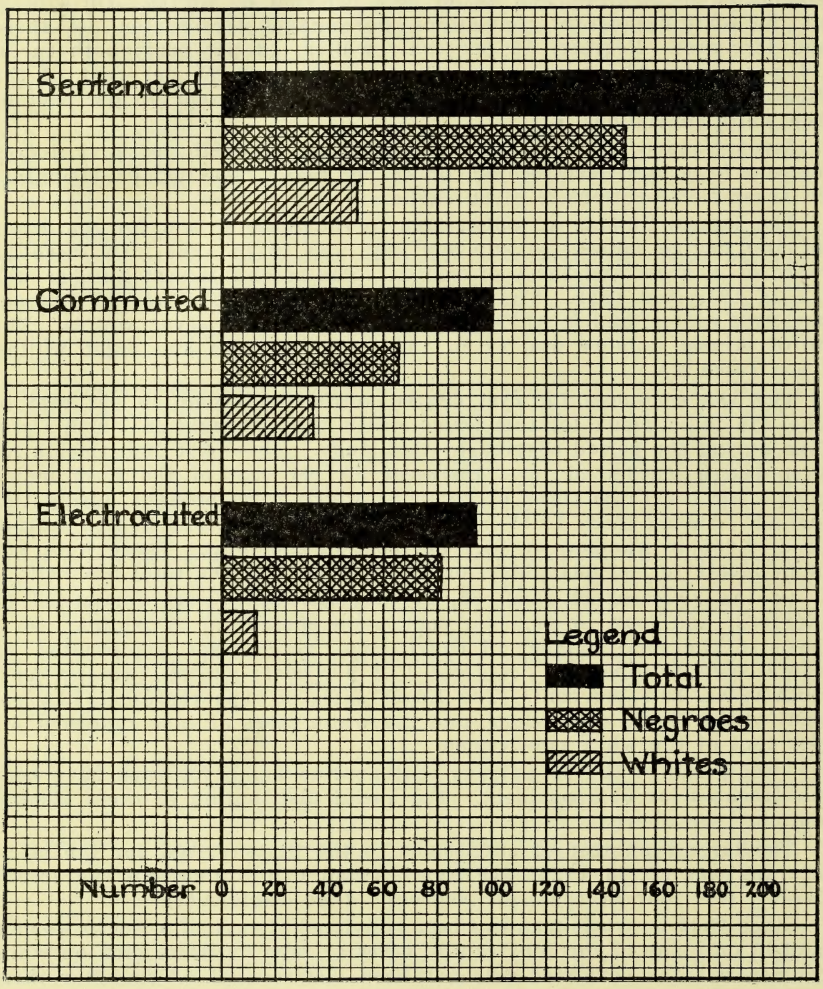
Of the 39 cases of rape, 35, or 89.7 per cent, were committed by Negroes; and four, or 10.3 per cent, were committed by whites. On a basis of the total number of convictions, percentages represented by these cases of rape are: Negroes 17.5 per cent; whites, two per cent; both races, 19.5 per cent. The Negro cases of rape represent 23.5 per cent of the Negro convictions, and the white cases of rape represent 3.9 per cent of the white convictions.

Twenty-one of the 39 persons sentenced to death for rape have been electrocuted, or 53.8 per cent. For racial distribution of these electrocutions, see above.

The largest number of admissions to the State Prison for the crime of rape was six in 1922, five Negroes and one white; and the second largest was four in 1925, all Negroes. (See Table AA.)

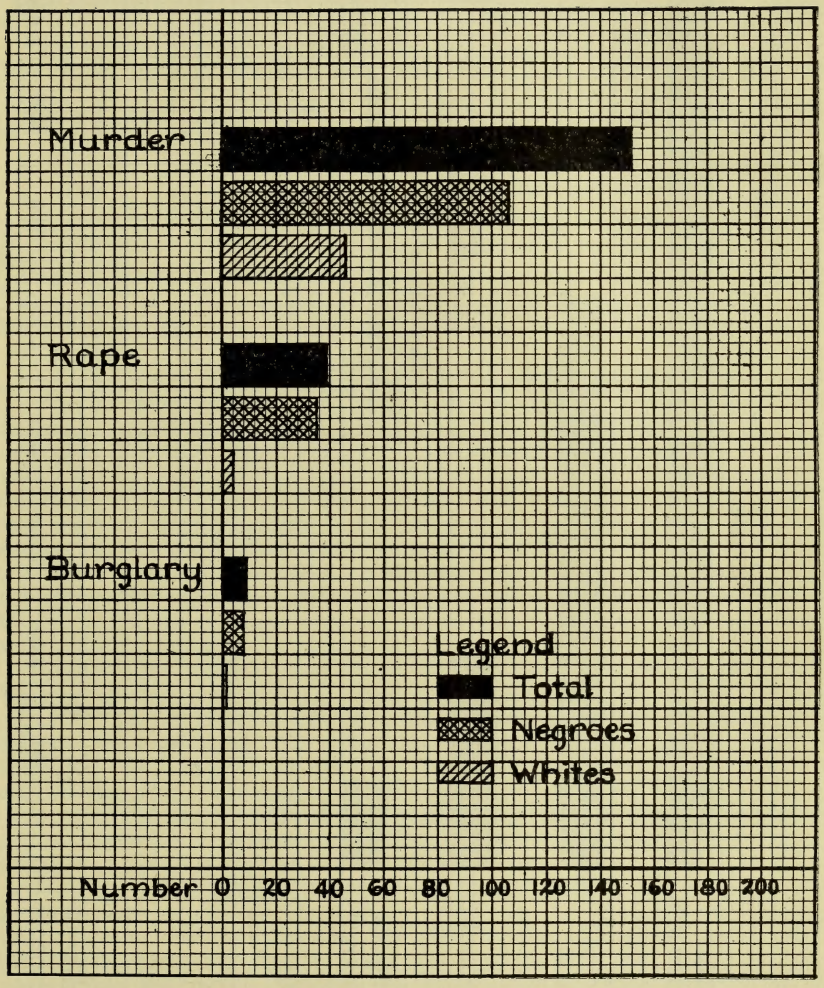
Since 1909 no white man has been convicted of rape of a Negro woman, and in only one of the four capital cases of rape by white men on white women has the convicted prisoner been electrocuted. The other three men were granted new trials and were resentenced, respectively, to six months, 20 years, and from 23½ to 30 years imprisonment.

No Negro has been electrocuted for committing rape on a Negro woman, and in 15 of the 35 cases in which Negroes have been convicted of rape, or in 42.8 per cent of the cases, the Governor has granted executive clemency. Eleven had their sentences commuted from death to from 20 to 30 years imprisonment; one from 17½ to 30 years imprisonment; two were committed to the criminal department of the State Hospital for Negro Insane at Goldsboro; and one was discharged after serving a commuted sentence of 15 years.

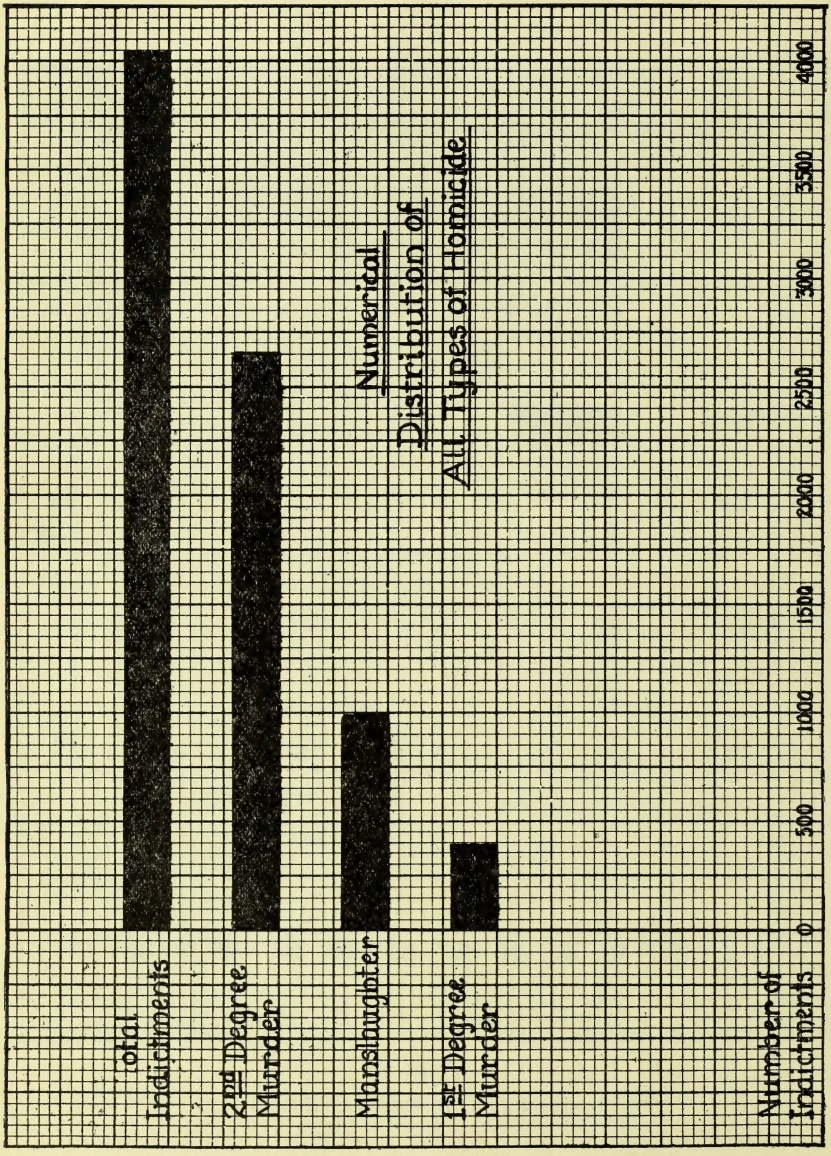


GRAPH I

DISTRIBUTION OF SENTENCES, COMMUTATIONS AND ELECTROCUTIONS OF PERSONS CONVICTED OF CAPITAL CRIMES



GRAPH II
DISTRIBUTION OF CAPITAL CRIMES



GRAPH III
DISTRIBUTION OF ALL TYPES OF HOMICIDE

Of the nine cases of first degree burglary, eight, or 88.8 per cent, were committed by Negroes; and one, or 11.2 per cent, was committed by a white man. On a basis of the total number of convictions for capital crimes, percentages represented by these cases of burglary are: Negroes, four per cent; whites, five-tenths of one per cent; both races, 4.5 per cent. The Negro cases of burglary represent 5.4 per cent of the Negro convictions and the white case represents 1.9 per cent of the white convictions.

The largest number of admissions to the State Prison for burglary was three in 1917, all Negroes. (See Table AA.)

TABLE B—DISTRIBUTION ACCORDING TO CRIME COMMITTED

Crime	NEGROES			WHITES			Total Per Cent (Negro and White) of All Convictions
	Number of Cases	Per Cent of Negro Convictions	Per Cent of Total Convictions	Number of Cases	Per Cent of White Convictions	Per Cent of Total Convictions	
Murder	106	71.1	53	46	90.1	23	76
Rape	35	23.5	17.5	4	8	2	19.5
Burglary	8	5.4	4	1	1.9	.5	4.5

Educational Status of Prisoners

The educational status of the 149 Negroes and the 51 whites sentenced to death in the electric chair was found to be as follows: 120 Negroes and 22 whites are wholly illiterate. That is, of the total number convicted for capital crimes, 71 per cent are illiterate, of whom 60 per cent are Negroes, and 11 per cent are whites. The illiterate Negroes represent 80.5 per cent of the Negroes convicted; and the illiterate whites represent 43 per cent of the whites convicted.

One hundred and twenty-six Negroes had never attended school, representing 84 per cent of the Negroes convicted and 63 per cent of the total convictions. The number of whites who had never attended school was not determined.

Twenty-eight Negroes and 30 whites are able to read and write. That is, of the total number convicted, 29 per cent can read and write, of whom 14 per cent are Negroes and 15 per cent are whites. The Negroes who can read and write represent 18 per cent of the Negroes convicted; and the whites who can read and write represent 58.8 per cent of the whites convicted.

No Negroes had completed high school, and only one white had done so, representing five-tenths of one per cent of the total number convicted and 1.9 per cent of the whites convicted.

One Negro and five whites had completed the sixth grade, the Negro finishing at the age of 18 years. That is, three per cent of all the men convicted had finished the sixth grade, and of this percentage the Negro represents five-tenths of one per cent and the whites 2.5 per cent. This Negro who finished the sixth grade represents six-tenths of one per cent of the Negroes convicted; and the whites who finished the sixth grade represent 9.8 per cent of the whites convicted.

Two Negroes had completed the fifth grade, one at the age of 13 and the other at the age of 15, representing one per cent of the total convictions and 1.3 per cent of the Negro convictions. One Negro had completed the fourth grade, representing five-tenths of one per cent of the total convictions and six-tenths of one per cent of the Negro convictions. None of the other Negroes who could read and write had gone as far in school as this.

TABLE C—DISTRIBUTION ACCORDING TO EDUCATION

Status	NEGROES			WHITES			Total Per Cent (Negro and White) of All Convictions
	Number of Prisoners	Per Cent of Negro Convictions	Per Cent of Total Convictions	Number of Prisoners	Per Cent of White Convictions	Per Cent of Total Convictions	
Totally Illiterate	120	80 5	60	22	43	11	71
Never Attended School	126	84	63	*	....	.....	.....
Able to Read and Write	28	18	14	30	58.8	15	29
Completed High School	....	....	.....	1	1.9	.5	.5
Completed Sixth Grade	1	.6	.5	5	9.8	2.5	3
Completed Fifth Grade	2	1 3	1	....	....	.....	.....
Completed Fourth Grade	1	6	.5	....	....	.....	.....

* Undetermined.

Age of Prisoners

The average age of the 200 prisoners sentenced to death during the period studied is 30.38 years. For the whites the average age is 35.98 years and for the Negroes, 28.41 years.

Eighteen Negroes and two whites are in their teens, that is, ten per cent of the total number convicted. Of this percentage, nine per cent are Negroes and one per cent white. The Negroes in their teens represent 12 per cent of the Negroes convicted; and the whites in their teens represent 3.9 per cent of the whites convicted.

Seventy Negroes and 17 whites are between 20 and 30 years old, that is, 43.5 per cent of the total number convicted. Of this percentage, 35 per cent are Negroes and 8.5 per cent are whites. The Negroes of this age represent 47 per cent of the Negroes convicted; and the whites of this age represent 33 per cent of the whites convicted.

Fifty Negroes and 14 whites are between 30 and 40 years old, that is, 32 per cent of the total number convicted. Of this percentage, 25 per cent are Negroes and 7 per cent are whites. The Negroes of this age represent 33.5 per cent of the Negroes convicted; and the whites of this age represent 27 per cent of the whites convicted.

Five Negroes and nine whites are between 40 and 50 years old, that is, seven per cent of the total number convicted. Of this percentage, 2.5 per cent are Negroes and 4.5 per cent are whites. The Negroes of this age represent 3.3 per cent of the Negroes convicted and the whites of this age represent 17.7 per cent of the whites convicted.

Four Negroes and six whites are between 50 and 60 years old, that is, five per cent of the total number convicted. Of this percentage, two per cent are Negroes and three per cent are whites. The Negroes of this age represent 2.7 per cent of the Negroes convicted and the whites of this age represent 11.7 per cent of the whites convicted.

One Negro and three whites are between 60 and 70 years old, that is, two per cent of the total number convicted. Of this percentage, the Negro represents five-tenths of one per cent; and the whites 1.5 per cent. The Negro of this age represents six-tenths of one per cent of the Negroes convicted; and the whites of this age represent 5.9 per cent of the whites convicted.

One white is between 70 and 80 years old, representing five-tenths of one per cent of the total number convicted and 1.9 per cent of the whites convicted. There are no Negroes of this age.

TABLE D—DISTRIBUTION ACCORDING TO AGE

Age	NEGROES			WHITES			Total Per Cent (Negro and White) of All Convictions
	Number of Prisoners	Per Cent of Negro Convictions	Per Cent of Total Convictions	Number of Prisoners	Per Cent of White Convictions	Per Cent of Total Convictions	
Teens	18	12	9	2	3.9	1	10
20-30 Years	70	47	35	17	33	8.5	43.5
30-40 Years	50	33.5	25	14	27	7	32
40-50 Years	5	3.3	2.5	9	17 7	4.5	7
50-60 Years	4	2.7	2	6	11.7	3	5
60-70 Years	1	.6	.5	3	5.9	1.5	2
70-80 Years	....	....	.....	1	1.9	.5	.5

Marital Status of Prisoners

The marital status of the prisoners is as follows: 91 Negroes and 26 whites are married, representing 58.5 per cent of the total number convicted. Of this percentage, 45.5 per cent are Negroes and 13 per cent are whites. The married Negroes represent 61 per cent of the Negroes convicted; and the married whites represent 50.9 per cent of the whites convicted.

Of the married Negroes, 25 were living apart from their wives at the time of their conviction, representing 12.5 per cent of the total number convicted and 17 per cent of the Negroes convicted. The number of whites who were living apart from their wives could not be determined.

Five Negroes and eight whites are widowers, representing 6.5 per cent of the total number convicted. Of this percentage, 2.5 per cent are Negroes and four per cent are whites. The Negro widowers represent 3.3 per cent of the Negroes convicted; and the white widowers represent 15.7 per cent of the whites convicted.

Sixty-two Negroes and 18 whites are unmarried, representing 40 per cent of the total number convicted. Of this percentage, 31 per cent are Negroes and 9 per cent are whites. The unmarried Negroes represent 41.6 per cent of the Negroes convicted; and the unmarried whites represent 35.3 per cent of the whites convicted.

TABLE E—DISTRIBUTION ACCORDING TO MARITAL STATUS

Status	NEGROES			WHITES			Total Per Cent (Negro and White) of All Convictions
	Number of Prisoners	Per Cent of Negro Convictions	Per Cent of Total Convictions	Number of Prisoners	Per Cent of White Convictions	Per Cent of Total Convictions	
Married	91	61	45.5	26	50.9	13	58.5
Living Apart from Wife	25	17	12.5	*	....	....	.....
Widowers	5	3.3	2.5	8	15.7	4	6.5
Unmarried	62	41.6	31	18	35.3	9	40

*Undetermined.

Former Occupations of Prisoners

Former occupations of the prisoners are as follows: 83 Negroes and 33 whites were farmers, that is, 58 per cent of the total number convicted. Of this percentage, 41.5 per cent are Negroes and 16.5 per cent are whites. The Negro farmers represent 55.7 per cent of the Negroes convicted; and the white farmers represent 64.7 per cent of the whites convicted.

Sixty Negroes and 14 whites were common laborers, representing 37 per cent of the total number convicted. Of this percentage, 30 per cent are Negroes and seven per cent are whites. The Negro laborers represent 40.2 per cent of the Negroes convicted; and the white laborers represent 27.4 per cent of the whites convicted.

Four Negroes were railroad firemen, representing two per cent of the total number convicted and 2.7 per cent of the Negroes convicted.

One Negro was a minister of the Gospel. One white was a railroad engineer; one, a metal worker; one, a machinist; one, a merchant; and one, a mill worker.

CHAPTER III

PRISON POPULATION

To illustrate the trends in criminal convictions in North Carolina since the electric chair has been in use in the State there follows a table showing the number of prisoners received in the State prison at Raleigh, together with the number of admissions of offenders guilty of capital crimes during the 19-year period covered by this study. This tabulation is for each biennium from July, 1908, through June 30, 1926, and in addition the one-year period from July 1, 1926, through June 30, 1927.

It will be noted from the following table that during the 19-year period covered, 2,976 Negroes and 2,685 whites, a total of 5,661 prisoners, were received at the State Prison at Raleigh. Of these there were 291 more Negroes than whites. Most of this difference is found in the excess in the number of Negro women prisoners over that of white women prisoners. There were 268 Negro women received and 61 white women, that is, 207 more Negro women than white women. The difference in the number of Negro men and the number of white men is much less marked, as the number of Negro men exceed that of the white men by only 84, with 2,708 Negro men received as against 2,624 white men. From 1920 through 1927 the number of white men received has exceeded the number of Negro men in each biennium.

Analysis of the figures shows further that the number of Negro men received at the State prison increased during the second biennium, but decreased in the three following biennial periods to a number almost equal to that at the beginning of the tabulation in 1908-10. Part of this decrease came during the pre-war period, 1912-14 and 1914-16, and part during the war period 1916-18. Just after the war, in 1918-20, there was another increase in the number of Negro men, followed in 1920-22 by another decrease. After this there was a sharp rise in 1922-24, and in 1924-26 came the peak in the admissions of Negro men. In the one year period, 1926-27, the number of Negro men received was considerably less than half the number in the preceding two-year period.

In each biennium from 1908 through 1926 there has been a steady increase in the number of white men received, and the figures for the one-year period, 1926-27, suggest a continuation of the increase in the biennium 1926-28. In 1920-22 for the first time since the State began the use of the electric chair the number of white men received at the State Prison exceeded the number of Negro men. Since then, this excess of white men over Negro men has continued in each biennium and also in the year ending June 30, 1927. In 1924-26 when the largest number of Negro men was received there came also the peak in the admissions of white men.

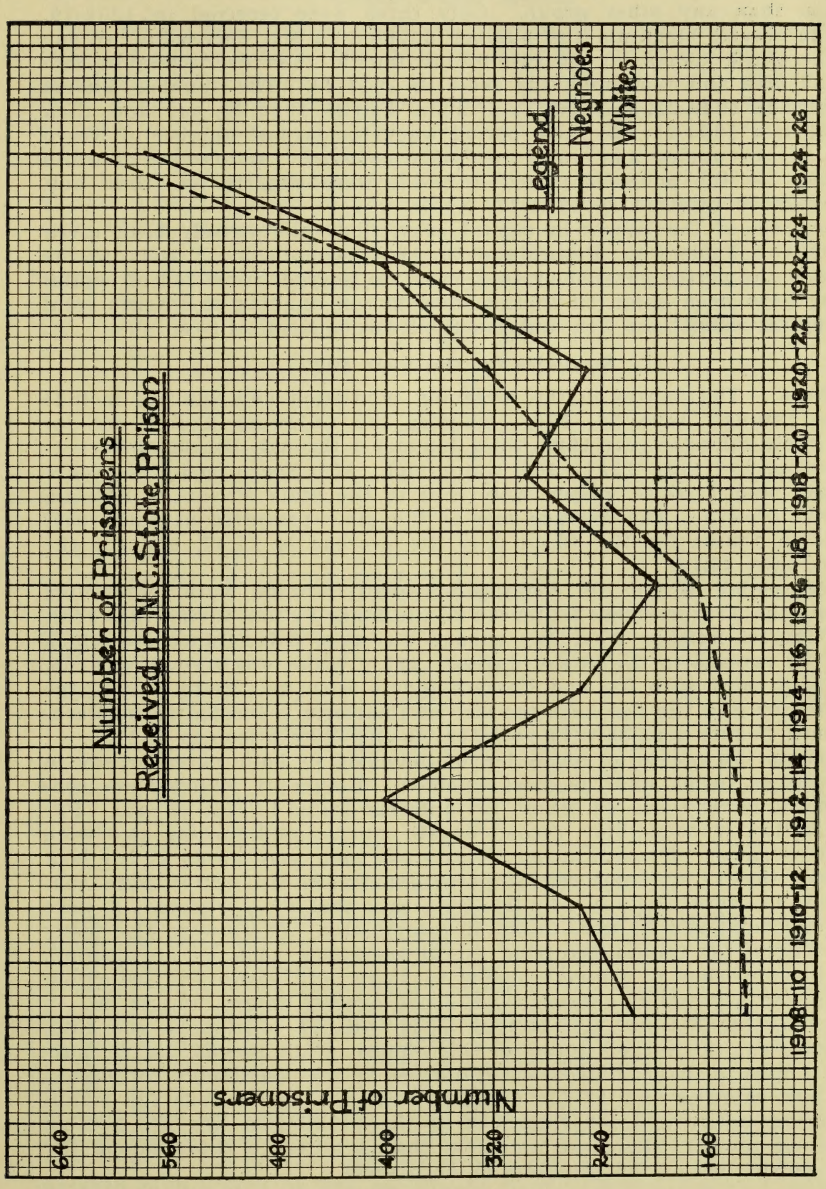
In the number of Negro women, there was decrease in the second and third bienniums, followed by a rise of one in 1914-16, after which there was a decrease of almost a third, followed by another rise, then in 1920-22, a marked decrease of approximately two-thirds. In 1922-24 the number of Negro women rose sharply again to a point slightly above that four years earlier. In 1924-26 the number increased by about one-half and represents the largest number of admissions of Negro women during the entire period. This was simultaneous with the peak for both the white men and the Negro men. During the one-year period, 1926-27,

TABLE F—NUMBER OF WHITE AND NEGRO PRISONERS RECEIVED IN THE STATE PRISON AT RALEIGH JULY 1, 1908—JUNE 30, 1927

Biennium	MEN		WOMEN		BOTH SEXES				
	Negro	White	Negro	White	Negro Total	Negro Capital Convictions	White Total	White Capital Convictions	Total Capital Convictions
1908-1910	182	122	34	3	216	4	125	0	4
1910-1912	288	128	29	6	257	13	134	3	16
1912-1914	267	130	26	5	293	14	135	5	19
1914-1916	228	141	27	7	255	20	148	5	25
1916-1918	181	160	19	5	200	13	165	8	21
1918-1920	265	244	28	5	293	10	249	12	22
1920-1922	245	314	9	9	254	13	323	7	20
1922-1924	361	396	29	5	390	24	401	6	30
1924-1926	529	608	45	11	574	24	619	5	29
*1926-1927	222	381	22	5	244	8	386	0	8
Total	2708	2624	268	61	2976	143	2685	51	194

*One-year period.

NOTE: Although the above divisions cover the admissions of both sexes, no Negro woman has been committed to the State Prison for capital crime, and only one white woman.



GRAPH IV

NUMBER OF PRISONERS RECEIVED IN N. C. STATE PRISON, BY BIENNIAL PERIODS

the number of Negro women was about half of that in the preceding biennium.

In each biennium fewer white women have been received at the State Prison than any other group. Only three were received in 1908-10. In the second biennium the number doubled to six, decreasing by one in the third, increasing by two in the fourth, then decreasing by two in the fifth and remaining the same in 1918-20. The number almost doubled in 1920-22, then cut itself about half in 1922-24, but more than doubled in 1924-26, the same period when the largest number of Negro men, Negro women and white men were received. Admissions of white women for the one-year period 1926-27, were slightly less than half the number received in 1924-26.

Analysis of the trends in capital convictions has already been given apropos of Table AA. From June 30, 1927, when Table F ends, to the close of the period covered by this study six Negroes convicted of capital crime have been admitted to the State Prison, making the Negro total of capital convictions 149 and the total for both races 200.

Statistics for the Year 1927

(Note: The figures in the foregoing tabulation and analysis include those through June 30, 1927, whereas the following figures are for the whole calendar year 1927, from January 1 through December 31.)

During the year 1927, 466 white men, 279 Negro men, 26 Negro women, and 7 white women were sent to the State Prison at Raleigh, a total of 778. The average age of the male prisoners of both races is 26.95 years; for the white men the average is 27.47, and for the Negro men 26.12.

Eighty-nine of the 100 counties in North Carolina were represented among the 778 prisoners sentenced to the State Prison during that year. The largest number from any county was that from Buncombe which sent 74 persons to the prison during 1927. Wake was second with 65, Guilford third with 52, and Forsyth fourth with 40. Despite its large population and the fact that the city of Charlotte is located in it, Mecklenburg County sent only 17 prisoners to the State prison in 1927.

Among the causes of conviction of members of both races larceny in its various forms was the most common. Eighty-six whites were convicted of larceny and 38 others for different forms of this offense. For the whites, manslaughter, second degree murder and forgery also were common causes of commitment. Thirty-two men were guilty of the last. Among the 77 different crimes listed for which the whites were convicted, 15 were highway robbery (one case that of a woman), 3 were embezzlement and 23 were thefts of automobiles. There were also many convictions for crimes involving moral turpitude, such as prostitution, carnal knowledge of a female under 16 years old, assault and seduction, assault with intent to commit rape, crime against nature, and so on.

Among the Negroes also larceny leads with 34 convictions and fully as many for the various forms of this offense, while second degree murder is next with 38 convictions, followed by 25 convictions for breaking and entering and 11 for highway robbery. Convictions for manufacturing liquor and for violations of the prohibition law are notable for their rarity. There are not more than a dozen of these among the 778 convictions of the members of both races.

Of the 26 Negro women sent to the State prison during 1927 four were convicted of second degree murder, 3 for receiving stolen goods and 10 for manslaughter.

Of the seven white women sentenced to the prison during this year one was convicted of each of the following offenses: highway robbery,

stealing an automobile, receiving stolen goods, false entry in bank books, and three for larceny of various kinds.

County Penal System

The county penal system in North Carolina is divided into two parts, jails and prison camps. The jails are used for short periods of incarceration and the prison camps are used as bases for road, quarry and farm work. These camps hold more prisoners than any other type of penal institution in the State, although only 44 of the 100 counties were using them at the time when this study was made.

Although in the population of the State Prison at Raleigh during the 19-year period treated in this study there have been more Negroes than whites, the racial comparison is even more unequal in the county prison camps to which is sent a larger proportion of Negroes. And the sentences of the Negroes usually are longer, even for similar offenses.

On the other hand, at the time when the following table was made the county jails held more white men than Negro men, but fewer white women than Negro women.

PRISON POPULATION IN NORTH CAROLINA

COUNTY JAILS

	White	Negro	Indian	Total
Men	500	451	6	957
Women	69	128	....	197
Total	569	579	6	1154

COUNTY PRISON CAMPS IN FORTY-FOUR COUNTIES (ALSO TWO TOWNSHIP CAMPS AND ONE CITY CAMP)

Men	818	1459	21	2298
Women	.....	3	....	3
Total	818	1462	21	2301

STATE PRISON AND STATE PRISON CAMPS

Men	708	831	....	1539
Women	9	44	....	53
Total	717	875	....	1592

Education and the Penal System

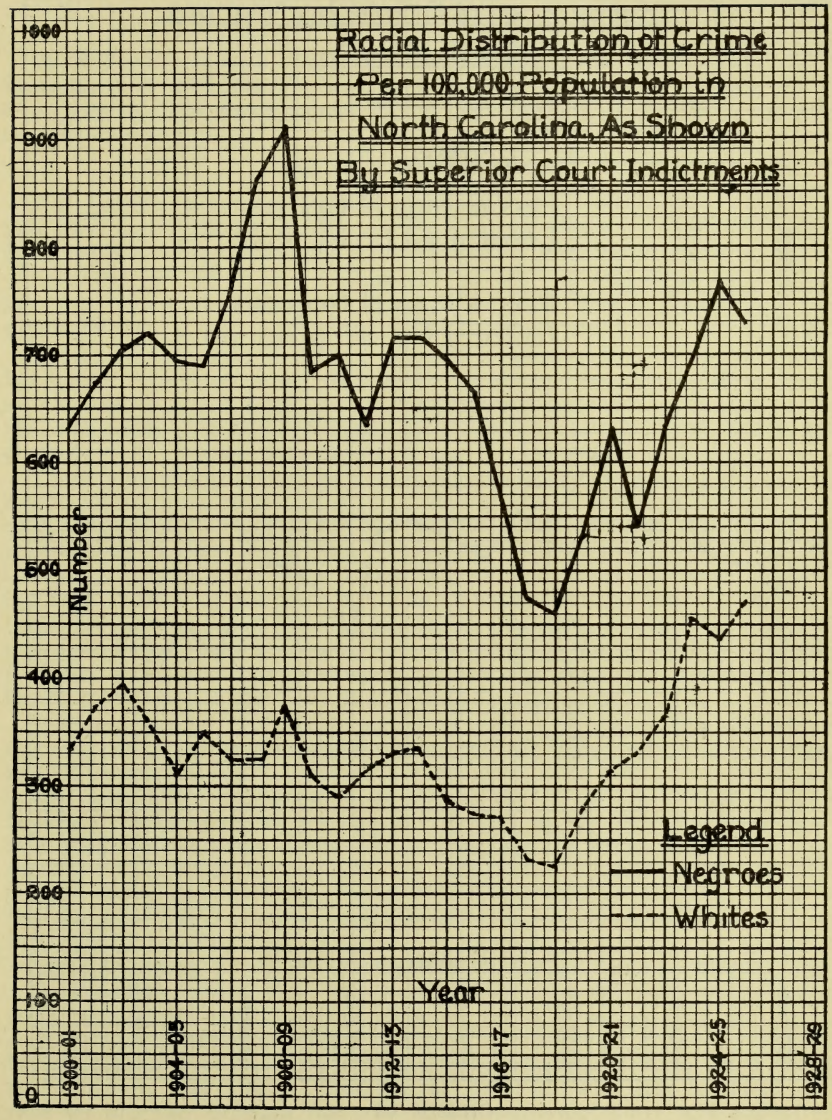
Many of the prisoners in the North Carolina penal system are practically or quite illiterate. Few have gone beyond the elementary or lower grammar grades. Very few have done any work in high school. A recent study of the educational status of the white and Negro prisoners in *The North Carolina Chain-Gang* by Jesse F. Steiner and Roy M. Brown, of the University of North Carolina, shows the following facts.

Twenty-nine per cent of the total number included in the study were totally illiterate, 16 per cent of the whites and 34 per cent of the Negroes. Seventy-four per cent of the whole group did not have enough education to read a newspaper. This group included 52 per cent of the white men and 83 per cent of the Negroes. Seven prisoners, all white, had finished high school or had knowledge of the English language equivalent to that of a high school graduate. Fifteen others, 12 whites and three Negroes, were placed by the tests somewhere within the high school grades. Four received the rating of "college graduate" by the word-knowledge test, and a fifth was rated as "in college". Two or

three of these had been to college, though none was a college graduate. The others had acquired their knowledge of words without the advantages of a college education.

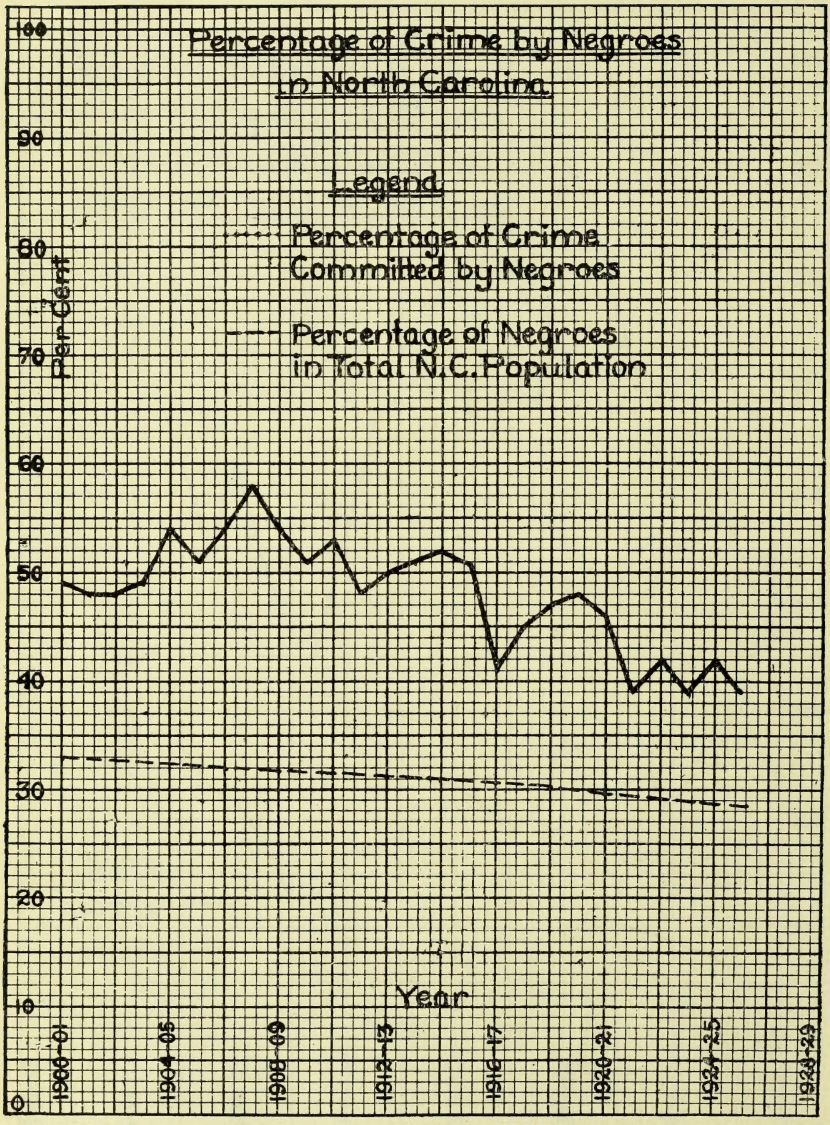
Of the group of illiterates and near illiterates, 268 were boys of 14 to 20 years old. Of these, ten white prisoners and 72 Negroes were totally illiterate and an additional group of 35 whites and 151 Negroes were unable to read a newspaper. These groups include nine per cent of all white prisoners and 21 per cent of all Negro prisoners. All these persons are within the public school ages of six to 21 years. If the proportion holds for the whole group in the State, more than 425 boys in the penal system, who are unable to read a newspaper or to qualify to vote by age are still entitled to attend the public schools. Moreover, all these young prisoners have grown up since the State has had a compulsory school attendance law. That law, evidently, has not been enforced in the cases of most of the prisoners who are normal mentally, and, if enforced in the cases of those so mentally subnormal as to be unable to profit by the instruction offered in the public schools, no adequate steps have been taken by the State to care for these defectives.

The graphs included in this chapter are based on indictments returned in the 100 Superior Courts of the State during the nineteen-year period of this study.



GRAPH V

RACIAL DISTRIBUTION OF CRIME, PER 100,000 POPULATION IN NORTH CAROLINA, AS SHOWN BY SUPERIOR COURT INDICTMENTS



GRAPH VI

PERCENTAGE OF CRIME BY NEGROES IN NORTH CAROLINA

CHAPTER IV

REPORTS OF ELECTROCUTIONS

The following reports of some recent executions by electrocution quoted verbatim from *The Raleigh News and Observer* and *The Greensboro Daily News* describe the scenes which attend the infliction of the death penalty in North Carolina.

The Case of Jim Collins

Jim Collins, nineteen-year old Anson County Negro, who yesterday paid the death penalty in the electric chair at State's Prison, faced his doom with a calmness seldom achieved by the most heroic of men.

"Howdy, you all", said Collins in the best of humor as he walked into the small chamber, accompanied by Rev. W. S. Shacklette, the prison chaplain, and three ministers of his own race.

Repeating in a firm and clear voice the familiar strains of the Psalm beginning "The Lord is my Shepherd, I shall not want", the little Negro said at the end "All right". Chaplain Shacklette leaned over and shook the one hand that had been left by those who pursued the Negro for eight days, the straps were fastened and the current turned on.

To all outward appearances the single shock was sufficient but Warden Norman after one glance with an experienced eye signalled for the current again and it was applied the second time. Beyond the inevitable recoil from the shock of the 1,800 volts of electricity, there was no sign from the body except a bright flare of flame and the odor of burning flesh. He went confidently to his doom and quietly he endured it.

Collins was executed for shooting A. C. Sedberry, a white man weighing 215 pounds and a member of a prominent family. The shooting followed a quarrel precipitated by the white man who assaulted the Negro and cuffed him about the head.

The case has attracted little attention outside of Anson County, where the shooting provoked intense excitement last July and where interest has been maintained. However, there have been few cases where so much quiet effort has been made before the Governor. Relatives and friends of Sedberry have worked unceasingly to see that the death penalty was imposed and attorneys for the private prosecution remained in the case through the hearing for clemency before Governor McLean. Collins, poor and friendless and without lawyers of his own, elicited the sympathy of the lawyers appointed by the court to defend him and their efforts received support from such disinterested persons as Assistant Attorney General Frank Nash and Bishop Joseph Blount Cheshire.

As the little Negro, who had already lost his right arm while fleeing from a mob, was led into the chamber to be strapped into the chair, J. Chesley Sedberry, Rockingham lawyer and brother of the man killed by Collins, pressed forward against the chain which shuts off a small space around the chair. The lawyer brother, who has followed the case all the way through the trial in the Superior Court, the appeal in the Supreme Court and the hearing for clemency before Governor McLean, missed no scintilla of what occurred yesterday. After the dying declaration by the Negro youth, the brother of the dead man stepped back to the side of Baxter McRae, an eye witness to the killing, and remained near the wall of the little octagonal room, with his eyes glued upon the huddled form in the chair until two full shocks had been

administered and Dr. J. H. Norman, prison warden and physician, had applied instruments to the shrunken form and had declared that all life was extinct.

The spectacle appeared to in no way affect the attitude of the brother. He stepped briskly into the conversation as one of the Negro ministers was relating to newspapermen the dead Negro's feeling of justification and declared that the beating administered the Negro by his brother had been greatly exaggerated and that Collins was only slapped.

H. H. McLendon and H. P. Taylor, the attorneys appointed by the court to defend the Negro, appealed to the Supreme Court on the theory that the evidence did not justify a first degree verdict. The court kept the case from the Fall term to the Spring term but finally affirmed the judgment of the court below.

The case was then brought before the Governor, with Assistant Attorney General Nash, who argued the case in behalf of the State in the Supreme Court, asserting that the execution, under the circumstances, would be "an outrage to the State". Bishop Cheshire and others who ordinarily take no part in such matters joined in and considerable effort was made to save the Negro. These efforts kept up through Thursday when the three Negro ministers who were with him in his last moments wired the Governor in New York.

Collins shot Sedberry on July 19, 1924. It was in evidence that he had made arrangements to give himself up but a mob formed before the sheriff reached him and the Negro fled, being captured eight days later near the line between Stanly and Cabarrus counties.

After being cuffed by the white man, Collins got a shot gun, which was taken away from him, and then got a pistol, following Sedberry down the road and shooting him in the back.

In the opinion of the Supreme Court Justice Adams sets forth the circumstances of the killing as follows:

"On the day of the homicide the deceased was engaged in scraping the public road. He and Baxter McRae were running a road grader. They met a car. The prisoner was on the running board. During a part of 1924 the prisoner had worked for the deceased but had left him and was employed by William Culledge when the homicide occurred. The deceased had the car to stop when it approached the grader and this conversation followed:

"Sedberry: 'Jim, why did you do like you did this morning?'

"Collins: 'Did what?'

"Sedberry: 'Send Oscar Culledge for the money.'

"Collins: 'I just sent him.'

"Sedberry: 'Ain't you a man of your own?'

"Collins: 'I am.'

"Sedberry: 'Why did you not come and get it?'

"Collins: 'I just didn't come.'

"Sedberry: 'I owe you $2.37 and carried you one night to see the doctor, didn't I?'

"Collins: 'You did.'

"Sedberry: 'I didn't intend to charge you for that if you had stayed your time out you hired to work but as you did not I am going to charge you $2.50 for that trip; that leaves you owing me 13 cents and I am going to strike off even with you.'

"Collins: 'I don't give a damn what you do with it.'

"Sedberry (after stepping down from the road machine): 'Don't you cuss me.'

"Collins: 'I didn't cuss you.'

"Sedberry: 'You cussed at me.' "

As Judge Adams reviews the testimony this conversation was followed by a fight in which the white man jumped on the Negro and beat him up badly. The Negro got a shot gun and started after the white man but the shot gun was taken away from him by another Negro. He then went and got a pistol, with which he did the killing.

The Case of Arthur Montague

Making frantic appeals to Jesus to "save my soul", Arthur Montague, a twenty-two-year old Negro, paid with his life the full penalty of the law yesterday morning at the State's prison for attacking a small white girl, an inmate of the State School for the Deaf at Morganton.

The Negro's body was badly burned by the 2,200 volts of electricity shot through him. His body convulsed and the muscles tautened as the current was turned on at the signal from Dr. J. H. Norman, and although a second charge was necessary after the first, which lasted two minutes and twenty seconds, the Negro did not regain consciousness before the current was turned on for an additional minute and fifteen seconds before the body was carted away in a basket.

The Case of David Jones

Two hearses stood in the shadow of the grim octagonal turret yesterday morning in the yard of the State Penitentiary.

At 10:26 a. m. the guards dragged Jones into the little room where he had an engagement with the people of North Carolina and at 10:31 they unstrapped his steaming remains from the chair, placed it in a casket and loaded it into one of the waiting hearses.

The electrocution contained few spectacular scenes. The prisoner seemed dazed with fright and submitted passively to all that was done to him. He did not fight the current and after two shocks was pronounced dead. The first shock lasted twenty-five seconds and the second shock one minute and nineteen seconds.

"Goodbye, Ed, meet me in glory", Jones shouted as the guards led him down the corridor but once he stood in the little room which was packed to the guard rail with sensation seeking witnesses, he did not have another word to say.

The Case of Will Williams

With eyeballs blazing in religious ecstasy and fear but with his body submissive and ready for death, Will Williams, Scotland County murderer, yesterday took his seat in the gaunt electric chair at the State's prison where two stern shocks of eighteen hundred volts of lethal current tore life from him.

"I'm going home this morning, Jesus. I'm going home this morning," the little brown skinned Negro cried, as he entered the death chamber. "Stand by me, Jesus; you said you'd stand by me. I'm going home to peace. Yes, Jesus, stand by me. I'm going home to die no mo'. All you men meet me in glory, will you?"

The mask went over his face and he was quiet. Deputy Warden Honeycutt poured water into the points of contact at the cap and leg. Warden Norman gave the signal and J. E. Thomas, of Franklin County, executioner, pulled the switch that poured the tremendous current into the little body of the Negro.

The diminutive body became a rigid column. The hands clenched with the thumbs caught inside. The water sang like a tea kettle in the contacts and the flesh burned and cracked aloud. The odor of flesh filled the little octagonal room. The leg and trunk of the Negro writhed in

the grip of the current. The body slumped as the first shot ended after one minute and forty-five seconds. Dr. Norman listened at the heart after Honeycutt pulled aside the blue shirt. There was still life and Norman signaled again. It lasted forty-five seconds.

The body was dumped into a basket and carried to the Brown undertaking establishment to wait burial, if relatives wanted or for use in a vivisection room at a medical school. There were no relatives at the execution, and no witness from the county of the crime.

There was little apparent interest in the execution. Only one or two curiosity seekers failed to gain admittance to the death chamber because of the law allowing only six witnesses besides attendants and newspapermen. All tickets to the electrocution had not been secured in advance and three young men tossed coins to see who should see it, the odd man to win.

The Case of George Love

Once populous death row at the State's Prison is a lonesome place today, its local population consisting of two Negroes, one crazy, for yesterday they took George Love out and electrocuted him for the murder of Bill Brock, a white man, running the total of executions for the year up to a record-breaking ten.

When Will Williams, Negro, was electrocuted one week ago, the toll of the death machine for the year 1925 equaled, with nine, the totals of the other two "heavy" years, 1911 and 1916. When George Love was pronounced dead the total for the first six months of 1925 was pushed ahead of the total of any preceding twelve months since the death chair was established in 1909. The ten executions follow on the heels of 1924, when only one man was electrocuted.

Death row could not even raise a condemned duet to cheer George along on his last short walk, for Cheatham Evans, half of the death row inmates, is too crazy with the dread of approaching death to carry a tune.

When the hand of the executioner pushed the death switch home, the deep bass of the roaring dynamos rose to a whining, whirring soprano, and the muscles on the throat of the man who had lately been singing himself bulged and twisted, as the water hissed, steamed and boiled under the death helmet and trickled down on the brow of the dying man.

The taut body in the chair alternately rose and slumped as the executioner turned the switchboard knob that regulates the number of amperes mingled with the eighteen hundred volts. When a large number of amperes were turned on the fingers would clinch, the muscles would bulge and the body strain against the straps as though it were trying to escape.

Then the amperage would be lowered momentarily and the body would seem to relax in a gesture of relief, only to be snapped up by another injection of amperes.

The Case of John Leak and Kenneth Hale

Yesterday morning at forty minutes past ten, two thousand volts of electricity drew the body of the Negro, John Leak, taut and rigid against the chair in the little eight sided room in the State prison and sent what soul he had out into the Great Beyond to meet what further penalty if any eternity may have in store for him for the killing of a Davidson County taxicab driver.

Shouting "amens" and "hallelujahs", Kenneth Hale, seventeen-year old Negro, Leak's partner, had preceded him to the chair and had been declared dead after the splendid vitality of his young body had waged a

bitter fight with the four shocks of highly ampered electricity that was shot through his frame.

Among the thirty odd spectators who saw the electrocutions were: the wife of the Davidson County sheriff, who accompanied her husband to Raleigh for the culminating spectacle and the brother of the slain taxi driver. As the stench of the burning flesh pervaded the little room the sheriff lit a cigar that would permit the rivalry of no other odor.

"Well, that's the end of the Garwood case," said the sheriff as the current caught the Negro. "Somebody lend me a match, my cigar's out."

The Case of the Stewarts

C. W. Stewart and Elmer Stewart, father and son, were electrocuted yesterday morning at the State's prison for the murder of a Wilmington city detective. Their execution marked the first time in the State of North Carolina that two white men have paid the death penalty on the same day.

For the first time in history electrocutions at the State's prison were performed by hired executioners. Joe Stone, of Robeson County, with iron gray hair and long mustache, received $25 for throwing the switch that shot the lethal current through the elder Stewart. J. E. Thomas, of Louisburg, stout and jovial, administered the shocks that killed the boy.

As the prisoners entered the death chamber they did not look the upstanding men they appeared about one week before their death. Old Man Stewart, who was called first, was red-eyed and haggard, as though he had not slept well and had been crying. His mustache had been shorn as well as his iron gray hair and he looked like a sick old man rather than a cold blooded desperado.

His arms and his legs were strapped to the big chair and a leather strap was fastened about his body. The mask-like leather harness was tightened about his face and under his chin leaving only his nose and chin visible. The cloth-covered helmet with the sponge in it was placed over his shaven head. The death wire was fastened into the place provided for it on the top of the helmet.

An attendant took an old shaving mug, got some water out of a bucket and poured it over the helmet. Dr. J. H. Norman, the new warden, examined the job then stepped back from the chair and clicked the ear pieces of his stethoscope sharply together—the death signal.

Old Man Joe Stone at the switch missed the first signal and the doctor had to make a louder one. This time the executioner caught it and pulled down the switch.

The relaxed body in the chair suddenly tightened as a patient tightens in a dentist chair when the dentist strikes a live nerve. The chin tilted upwards in a gesture of the ultimate of agony. There came a sound from the chair as of bacon frying and the stench of scorching flesh pervaded the room.

It took three shocks to kill the elder Stewart, the first lasting 56 seconds, the next 34 seconds and the final 26 seconds. When the body was removed it was completely purple except for leprous white streaks which showed where it had strained against the straps caught in the whirl of 1,800 volts of high ampered electricity.

Above the hum of the dynamo while they were electrocuting the elder Stewart could be heard the exhorting words of spiritual guidance which were being given the younger Stewart in his cell on death row where he awaited his turn at the chair.

The young Stewart was more nervous than his father, when they brought him in. He seemed to wish to prolong his life. At the first glimpse of the chair he shrank away from it.

"Take your time: I'm in no hurry," he muttered to the attendants who were strapping him in. "O dear God, be with us all. O dear my father, let me meet you in heaven. O Jesus, be with me now," he said in a sing-song voice over and over again. The strap which was placed across his mouth made the words almost unintelligible but now and again one could catch the words "God," "Jesus," "Father and Heaven."

The warden held up the moment of throwing the switch to wait for the boy to stop talking but he showed no signs and the death current caught him in the midst of exhortation. Again the chin tilted up at an angle of agony and again came the crackling, cooking sound and the stench of scorching flesh.

The water that had been poured over the helmet steamed and a great blister rose and burst on the boy's leg.

Outside the prison walls curiously morbid crowds sat on box cars with their eyes glued on the windows of the death room and swirled about the closed gates to the prison yard. They saw the hearse drive up and saw the baskets containing the bodies of the executed men carried out.

The Case of the Cains

The tests were all made, the death-wagon with two baskets for the bodies of the brothers rumbled on the sidewalk and everything was ready for the execution. Joe Cain, who finally attained spiritual heights by breaking into semi-emotionalism, appeared least ready to go. He thought he had a right to hope. But this morning he seemed most anxious to get through with the ordeal and he came first to the chair.

"Well, I haven't anything against anybody in the world," he said, and primitive prayers were reeled off as long as the big leather straps would allow him to articulate. Through the helmet one could see Joe's eyes looking unto the hills from which he hoped to get help. He never looked down but up and he was whispering prayers when the current struck him. He patted his hands nervously against the arms of the chair and was in motion when the voltage hit him. Paralysis complete followed, the dynamo pulled powerfully and big Joe's chest struggled against the bands. The current remained on forty seconds when the flesh began to fry and great blisters break out from the points of contact.

Then occurred something never seen there in the four dozen slain by the State. Dr. A. W. Knox, prison physician, went over to put the stethescope on the dead man's heart, and Cain breathed visibly to the whole room. Three times full breaths were registered and the current went on for 25 seconds. Then when the wretched devil was dead he sat bolt upright with eyes wide open looking heavenward. It was an awful spectacle.

They took Joe out and Gardner came in. The smaller man was in the best frame of mind that Mr. Caviness had seen him. "The Lord be with you," said Gardner Cain as he rounded the door leading into the room, "God bless you all."

The second victim stood and smiled at his preacher, shook hands warmly, and took the chair so hospitably prepared for him by a State, such a sanctimonious stickler for its own protection, so indifferent to its obligations to its moral morons and idiots. Gardner Cain deserves the reputation that he has won, having more sense than his brother. The smaller man dropped down, chattered off his prayers on the chair and viewed it with greatest apparent interest. As they harnessed him

up to the chin he was all brightness and animation. He went away with grace and abandon.

Warden Busbee would take no chances on him until 57 seconds had fried away. The little man was not then dead. His heart just pumped away. Twenty-five seconds more did the work. Cains were riding side by side in baskets on their way to the undertaker.

The Case of McIver Burnett

In the presence of the woman upon whom he had committed crime, strapped helpless and unresisting in the chair not five feet from where she stood, McIver Burnett, a wisp of a Negro boy not much more than 16 years old, paid the death penalty at the State prison yesterday morning. Nine other women were among the crowds of 82 persons who watched him pay with the only currency that he had.

Again the prison authorities found it necessary yesterday morning to set guards about the gate to keep back the throng that pressed for admission. Seemingly the tribe of the morbidly curious had suffered no diminution. An hour and a half before the gates were opened, there were more than enough men and women without the gate to fill the death chamber, and every passing minute added to their number.

Outnumbering any other single class of seekers for admission were youths wearing the red caps that distinguish State College freshmen. Few of them had tickets, and but one survived the rush that began when the guards on the gate began to allow the crowd to trickle past. It was 10 o'clock, and half an hour before the accounting with the Negro.

One by one eighty or ninety who had tickets surrendered them to the guard, and rushed across the grounds straight to the door of the death chamber. They had no regard for the placarded admonition to keep off the grass. They ran scrambling up the steps without breath left in their lungs, and looked back to survey those who followed, with the pleased expression of those who have acquired advantage of some sort.

By some miracle eighty-two people passed into the narrow chamber, crowded so thickly that when one of the women fainted during the electrocution, she could not fall to the floor. She stood packed there until the doors were thrown open and she was taken into the air. She was revived without much difficulty. So densely was the crowd packed that it was impossible to close the wooden doors. Some few stood on the steps outside and peered through the iron grating.

Fifteen minutes were left of life for the Negro when the last of the throng was packed into the room. From within the death row came the sonorous voice of the minister. Somebody giggled nervously and it echoed around the room.

A slight, rather pretty young woman, seemingly not yet twenty years old, Mrs. McGhee, stood against the steel chain that encircles the chair placed so that she would be the first to see the Negro boy when he came through the door of death row. She clung to the arm of a somewhat older woman. Her husband stood beside her racked by nervousness he was powerless to control.

The Negro minister came first, stumbling and almost falling into the chamber. He had caught his foot over somebody's shoe at the door. A guard and then the Negro and another guard followed slowly after him. The minister's Psalm was halted for a moment when he stumbled.

Nature had made the boy black but fear had turned him an ashen gray. Lacking the hideous distortion of fear it might have been a harmless, good natured face, like that of any sixteen-year old Negro boy. He

was little under average height, and weighed perhaps 120 pounds. He was dressed in the rough clothes of the prison, a hickory stripe shirt open at the neck and blue denim trousers, slit up the right leg to make way for the electrode against the naked flesh. His head was shaved.

Without a word he sat down in the chair, and the minister stepped to one side to make room for the attendants who began to strap him in the chair.

So dense was the crowd, and so long did it take them to unpack themselves, that fifty or so of them saw an angle of the tragedy that not many such crowds see. As soon as he was dead, the body was unstrapped. It lay there, limp and with the hideous distortion of death frozen across its face. The hands dropped drunkenly toward the floor. The mouth being open, dripping a froth of saliva that had boiled almost from the powerful heat of the current. The burns of the head and face and on the leg stood out vividly.

"Well, did you enjoy it?" Somebody asked the young woman who was the Negro's victom.

"I sure did," she replied. She had lost none of her composure.

CHAPTER V

JUSTICE BY EXECUTIVE CLEMENCY

The following case presents a good example of the exercise of executive clemency to secure belated justice in a capital case.

Cyrus Jones, a mail carrier who also operated an automobile for hire, was shot on the highway about a mile and a half from the town of Swansboro, in which he lived, at approximately seven o'clock in the evening of August 5, 1922.

After he was shot, he drove his automobile back to the home of a neighbor, John Midgett, where he stopped. Jones' wife at the time was away from home. Answering his cries for help, Midgett asked him what was the matter, to which Jones replied that he had been beaten to death and there was no chance for him, and asked to be taken out of the car and to his home. Just before he helped Jones out of the car Midgett asked him who had beaten him, and Jones' reply was, "Collins, Williams and Doves". At the subsequent trial there was ample evidence to prove that Willie Hardison was known in the community as Collins.

Unconscious most of the time, Jones lingered from Saturday until the following Wednesday night when he died of meningitis caused by the gun-shot wound in the left side of his head which had been inflicted with a size four or six shot.

George Williams, Frank Dove, Fred Dove and Willie Hardison were indicted for first degree murder of Jones by the Grand Jury and after a special venire, at the October, 1922, term of Superior Court of Onslow County, with Judge E. H. Cranmer presiding, they were tried, found guilty and sentenced to electrocution. The testimony of Hardison was largely instrumental in convicting the other three men.

Hardison, who was tried separately, appealed to the Supreme Court, but his appeal was denied and he was electrocuted at the State Prison in Raleigh on the morning of April 27, 1923. On the morning of his electrocution he confessed to the murder of Cyrus Jones, and stated further that Williams and the Dove boys had nothing whatever to do with the crime.

These three men also appealed to the Supreme Court, but no error was found in the trial of their case, and new dates were set for their electrocution.

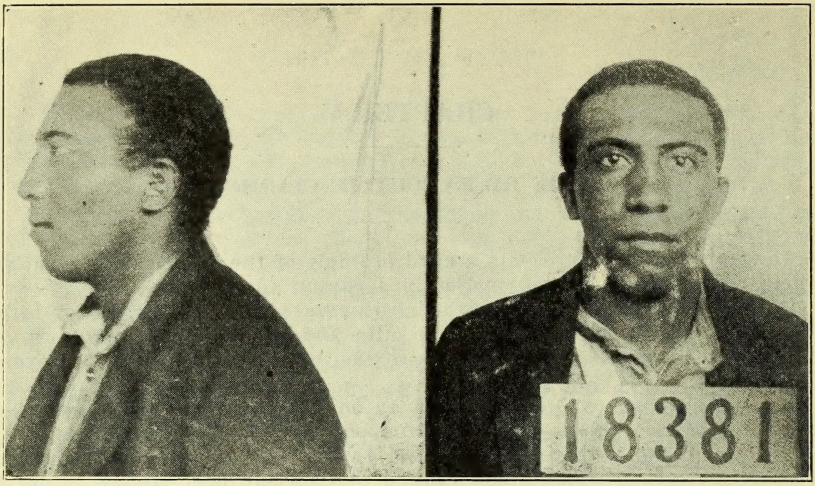
Many letters requesting executive clemency for them were written to the Governor. The trial Judge, E. H. Cranmer, Solicitor Powers who had prosecuted them, and H. E. Stacy who assisted the Solicitor all recommended a full pardon. A petition signed by more than 400 of the leading citizens of Onslow County including four jurors, the Swansboro Postmaster, an ex-sheriff, the current Sheriff, the Clerk of the Superior Court, and many other representative white and Negro citizens was sent to the Governor.

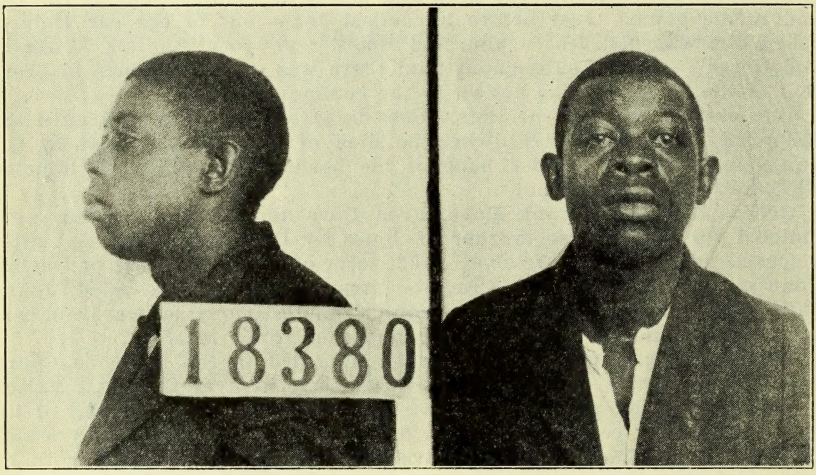
A letter of protest was received by the Governor from the mother of Cyrus Jones, enclosing a petition signed by between 500 and 1,000 persons protesting against the change of the sentence of these prisoners.

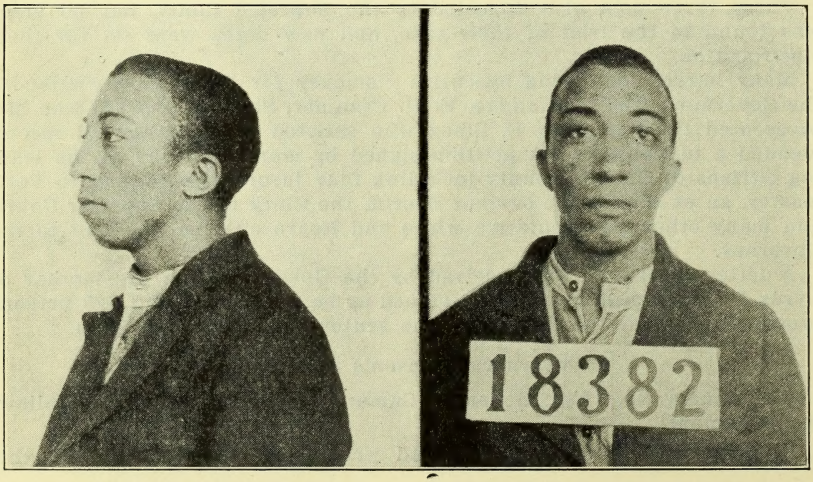
Governor Morrison's Statement

On January 28, 1923, Governor Cameron Morrison issued the following statement:

"George Williams and Frank and Fred Dove, the prisoners in this







Top—Frank Dove; Middle—George Williams; Bottom—Fred Dove

case, were convicted, together with Willie Hardison, of murder in the first degree at the October term, 1922, Superior Court of Onslow County. Willie Hardison has already been electrocuted.

"A most serious question has arisen as to the degree of guilt of the other three defendants.

"For the reasons set forth in the letter of Judge Cranmer, which is as follows: 'George Williams, Frank Dove, Fred Dove and William Hardison were tried by me in Onslow County for the unlawful killing of Cyrus Jones, and each of them was convicted of murder in the first degree. William Hardison has been executed. You are familiar with the case, and what has occurred since the trial.

" 'I have given the matter serious thought and consideration. I saw William Hardison the afternoon before his electrocution, and talked with him. He stated to me, positively, more than once, that he, alone, killed Cyrus Jones, and that neither of the others aided, assisted, abetted or encouraged the crime, and neither of them knew anything about it.

" 'I have prayed "God of all truth, knowledge and judgment, with out Whom nothing is true, or wise or just" to direct me, and to direct you. Each of us has a duty to perform, and each of us, with Robert E. Lee, believes that "duty is the sublimest word in the language." I know that you have, and will continue to carefully and thoroughly weigh the facts in this case, before reaching a conclusion, and I know, too, that any recommendation will not move you, unless your investigations indicate the same course.

" 'After thought, reflection and prayer, I recommend, my dear Governor, that you pardon George Williams, Frank Dove and Fred Dove.'

"I hereby commute the sentence of death of these three prisoners to life imprisonment, at the present.

"This case requires careful study, as his honor, Judge Hoke of the Supreme Court bench, doubts very much the guilt of these parties, and when a fearless and upright judge like Judge Cranmer entertains the opinion as set forth in the foregoing letter, I hesitate to let the men suffer at all, but I hope that every doubt about the matter can be cleared up, and I shall endeavor, later, to go deeply into the case with a view to determining whether or not the men should be discharged entirely, as recommended by Judge Cranmer."

Petition for Absolute Pardon

In August, 1925, through their attorneys, Williams and the Dove boys petitioned the Governor for an absolute pardon. In their petition they set forth that they were convicted on the testimony of Willie Hardison who, after their trial and conviction, stated on several occasions and once immediately before his execution, in the presence of the Solicitor who prosecuted and the Judge who presided at the trial, that his testimony before the jury that convicted Williams and the Doves was wholly untrue, and that they were innocent and took no part in the murder of Cyrus Jones.

It was further set forth in their petition that the original statement of Willie Hardison implicating them was forced from him under the lash, and under threats of lynching; that as soon as Willie Hardison arrived at Raleigh and was out of the environment which brought about the statement by which they were implicated and had no further motive of hope to clear himself or to get his punishment reduced, he made a full and frank confession without any suggestion or inducement from the petitioners or other persons on their behalf, in which he fully exonerated them and took full responsibility for the crime. This confession

was in the form of a letter written to the Sheriff of Onslow County, and other letters and affidavits, the originals and copies of which are in the office of the Clerk of the Supreme Court.

They also stated that they were not guilty of the crime of which they had been convicted, either as principals or accessories, and had nothing to do with planning or executing the crime, and had no knowledge or information as to it until after the crime had been committed. Hence they prayed the Governor to grant to each of them "a most gracious pardon to the end that they might be liberated and rejoin their families, and live the lives of upright and dutiful citizens as they had done in the past."

Under date of September 1, 1925, the Commissioner of Pardons addressed a letter to their attorneys in which he said, "I regret to advise that the Governor has declined to extend clemency in the case of George Williams, Frank Dove and Fred Dove".

After these men had served almost six years in the State prison, during which time they were model prisoners, maintaining a grade of A, a second petition was presented to Governor McLean in February, 1928, requesting a full pardon for them. On March 1, 1928, the Governor acted favorably on this petition and issued the following statement:

Governor McLean's Statement

"The above named prisoners, George Williams, Frank Dove and Fred Dove, were convicted at the October term, 1922, Superior Court of Onslow County of murder in the first degree and sentenced to death by electrocution.

"The sentence of death in the case of these three prisoners was commuted to a sentence of life imprisonment on June 28, 1923, by Governor Cameron Morrison.

"Mr. Jas. A. Powers, the trial Solicitor, has written a very strong letter relative to this case and states in part as follows: 'In view of all these facts and circumstances and after carefully considering the matter from every standpoint and after having friends, in whom I have confidence in their sound judgment and discretion, to read over all the evidence in the case and give me their honest and candid opinion, I feel that it is my duty from any and every standpoint, legal, moral and spiritual, that I most earnestly recommend that these defendants be absolutely pardoned of the crime of which they have been convicted.'

"There is also on file a strong letter from the trial Judge, Hon. E. H. Cranmer, who states that Willie Hardison who was tried separately for this offense and was convicted of murder in the first degree and has already been electrocuted, was interviewed by Judge Cranmer the day before his electrocution and stated to the Judge positively, more than once, that he alone killed Cyrus Jones and these three prisoners neither aided, assisted or encouraged the crime and knew nothing about it.

"Mr. O. S. Pittman and Mr. Fred B. Pittman, who state that they were among those who arrested the four prisoners, write a strong letter recommending the release of the above named three.

"Mr. H. E. Stacy, who assisted the Solicitor in the prosecution of the case, has written a letter recommending a full pardon.

"Dr. H. F. Blount of Swansboro has also written a strong letter stating that he does not believe that these three had anything to do with the murder.

"A number of the jurors who heard the case have likewise recommended their pardon.

"Relying upon the feeling that seems to exist in the minds of practically all of the court officials who tried this case, the recommendation of the trial Judge and Solicitor, the private prosecution, a number of the jurors, the Sheriff and even the prosecuting witnesses that these three men are absolutely innocent and are now serving and have served for a crime of which they had been convicted upon testimony which later proved to be untrue, and taking into consideration that the guilty party who was electrocuted stated to the Prison Warden that he had sworn against the above-stated three prisoners as a result of which their conviction followed, I am of the opinion that these three defendants should be given an absolute pardon, in accordance with the request of the trial Judge and the trial Solicitor and for the said reasons herein enumerated."

CHAPTER VI

LYNCHING AND MOB VIOLENCE

In any study of capital punishment discussion of lynching should be included, since lynching, mob violence of the worst kind, is itself a form of capital punishment, although an extra-legal one. It represents a violent interference with the due processes of law, and a complete disruption of the procedure by which lawful capital punishment, if deserved, is administered. The obvious victim of a lynching is a person who by the commission—or the alleged commission—of some offense has incurred the ill-will of a community. The invisible victim is the law. Less respect for constituted authority inevitably follows each occurrence of mob rule.

Recently there has been considerable discussion of what constitutes a lynching. It has been urged that victims of riots should be included in lists of lynchings. Compilers of records have found it necessary to have a working definition in order that out of the great mass of information which is collected with reference to crime in its various aspects the particular set of crimes designated as lynchings be placed in a special category.

The definition which these compilers of records have generally used is that "lynching has to do with individuals supplanting the law and acting in defiance of the law". The result is that lists of lynchings have generally included only those cases in which individuals charged with offenses which made them subject to the law have been put to death without due legal procedure, whereas the law should have been permitted to take its course, the victims should have been accorded a trial and the punishment, if any, should have been legally meted out. That is, the idea that lynching is punishment, without due legal process, of persons charged with offenses against the law appears to be borne out by the definitions of lynchings which have been formulated and used during the past 82 years.

In general, the practice of compilers of lynching records has been not to include in such records cases of persons put to death in what are commonly designated as riots. The whole matter would seem to turn upon where one is to draw the line between riots in which there is promiscuous killing of individuals, and lynchings by which particular individuals are seized and put to death for alleged offenses.

It would further appear that a definition of lynching and the categorial distinction, if there is any, between persons killed in so-called lynchings and in riots, are legal matters, questions of law and fact. Consequently, a revision of the definition of lynching, if there is a need for such revision, could most properly be made by a committee of lawyers, representing the whole country; as for example, a committee from the American Bar Association.

On the other hand, since a question of law and fact is involved, a final and authoritative definition of lynching would have to be made by the courts. As for example, a case under one of the present State laws against lynchings might be brought against a county where an alleged lynching had occurred. The case might turn upon the question of what constitutes a lynching and might be carried through all the courts up to the United States Supreme Court. This court's definition and ruling would be final and authoritative.

Statistics on Lynchings

According to *The Negro Year Book* published at Tuskegee Institute, "The lynching record for 1924 was the lowest for any year since records of lynchings have been kept. The next lowest records were in 1917 when the number was 38 and 1923 when the number was 33. The decade 1915-1924, when compared with the previous three decades, was notable for the decrease in the number of lynchings. In the decade 1915-1924, there were 537 lynchings. This was 23.4 per cent less than the number, 701, for the decade 1905-1914; 56.5 per cent less than the number, 1239, for the decade 1895-1904 and 70 per cent less than the number, 1726 for the decade 1885-1894.

Ninety women have been lynched in the United States during the last 40 years.

The two following tables are taken from *The Negro Year Book.*

LYNCHINGS IN THE UNITED STATES BY DECADE—1885-1924

Decade	NUMBER OF LYNCHINGS		
	Whites	Negroes	Total
1885-1894	653	1073	1726
1895-1904	270	969	1239
1905-1914	62	639	701
1915-1924	53	484	537
Total	1038	3165	4203

It will be noted from the foregoing table that the number of white victims has decreased more rapidly than the number of Negro victims.

An indication of the growth of sentiment against lynching is found in the increase, in recent years, of the number of efforts to prevent this form of mob violence. In 1914 there were reported 52 persons lynched and 17 cases of prevention of lynching. That is, there were more than three times as many lynchings as there were cases of prevention. However, in 1924, ten years later, the opposite was true. Then there were reported 45 cases of prevention as against 16 lynchings, more than twice as many instances of prevention than of accomplishment.

REPORTED LYNCHINGS AND INSTANCES OF PREVENTION IN THE UNITED STATES 1914-1924

Year	Number of Lynchings	Number of Lynchings Prevented
1914	52	16
1915	67	19
1916	54	18
1917	38	18
1918	64	13
1919	83	37
1920	61	56
1921	64	72
1922	57	58
1923	33	32
1924	16	45
	589	404

LYNCHINGS IN NORTH CAROLINA 1882-1928

Year	White	Negro	Total
1883	0	2	2
1884	1	3	4
1885	2	3	5
1886	2	0	2
1887	0	3	3
1888	2	8	10
1889	2	2	4
1890	0	2	2
1891	0	2	2
1892	2	3	5
1893	0	4	4
1894	1	0	1
1895	0	1	1
1896	0	1	1
1897	2	2	4
1898	0	4	4
1899	0	3	3
1900	0	3	3
1901	0	1	1
1902	0	3	3
1903	0	1	1
1904	0	1	1
1905	0	1	1
1906	1	4	5
1907	0	0	0
1908	0	1	1
1909	0	1	1
1910	0	0	0
1911	0	0	0
1912	0	1	1
1913	0	1	1
1914	0	1	1
1915	0	0	0
1916	0	2	2
1917	0	0	0
1918	0	2	2
1919	0	4	4
1920	0	3	3
1921	0	4	4
1922-28	0	0	0
Total	15	77	92

According to figures on mob violence compiled by the Department of Records and Research at Tuskegee Institute, there has been a total of 92 lynchings in North Carolina since the year 1882. Fifteen victims of the mob were white and 77 were Negroes, that is, approximately 83 per cent were Negroes and 16 per cent were white.

The year 1907 was the first since 1882 during which there was no lynching in North Carolina. There has not been a lynching of a white man in North Carolina since 1906, and the last lynching of a Negro took place in 1921. During the 21-year period, 1907-1928, there have been 11 years during which North Carolina has been free from lynchings.

The foregoing table shows that the largest number of lynchings in any one year was in 1888, when there were ten, eight Negroes and two whites. The second largest number in any year is five, in 1885, three Negroes and two whites; in 1892, the same proportion; and in 1906, four Negroes and one white. The third largest number is four, in 1884, three Negroes and one white; in 1889, two Negroes and two whites; in 1893, all Negroes; in 1897, two Negroes and two whites; and in 1898, 1919 and 1921 all Negroes.

Experience shows that lynchings can be reduced and eventually wiped out, provided proper methods are used. Although the State has a clean slate only in the last six years, North Carolina during the last decade has had fewer lynchings than any other Southern State, as a result of a policy opposed to all forms of lawlessness. Much of the improvement in this respect which is now seen in North Carolina is due to the lasting influence of Gov. T. W. Bickett. Governor Bickett was the first man in the State to meet a mob face to face and turn it back, and his method of dealing summarily with the members of mobs was strictly followed and strengthened by Gov. Cameron Morrison and Gov. A. W. McLean. There could be cited several cases in which lynchings would have taken place but for the fact that the Governor anticipated the mob and ordered troops to the disturbed locality.

North Carolina has learned that rule by the mob must be met with stern force, and that the outbreak of mob violence must be anticipated and steps taken to prevent it. In the use of troops to forestall lynchings the Governors of North Carolina have had the hearty support of the people of the State. Public sentiment for justice has been strengthened by education along this line. And not only the public generally but the Sheriffs and other police officers also have coöperated with the Chief Executives in maintaining law and order in these cases.

Two recent instances of mob violence and attempted lynching at Asheville and Williamston present outstanding examples of vigorous law enforcement in the meting out of swift justice to members of mobs.

The Case at Asheville

In September, 1925, a mob stormed the Buncombe County jail in an effort to secure and lynch Alvin Mansel, a Negro who was sentenced to death for criminal assault upon a white woman, and whose case history is included among those at the end of this study. Trial of 29 men alleged to have been participants in and leaders of the mob resulted in the conviction of 11, while nine entered pleas of guilty. The trial began with 38 defendants facing the court, out of the 43 that had been indicted at a previous session of the Grand Jury. Nine of these were allowed to go at different stages of the trial when the Solicitor found that he could not make out a case against them because of lack of evidence.

Four sentences to the State Prison, 11 terms on the county roads and five suspended sentences were imposed upon the mob leaders by Judge A. M. Stack who presided at the trial. Herman Banks and Luther Townsend suffered most heavily, each drawing a sentence of from four to eight years in the State Prison. Sam Stroupe and Jeter Bell, both of whom plead guilty, were sentenced to the State Prison for not less than three nor more than five years. Six defendants were sent to the county roads for a period of 12 months each. Other road sentences were for ten months, nine months, six months, six months with suspended sentence of two years in addition, 12 months with privilege of being hired out after two months and payment of a fine of $50.00 and the costs. Five men received suspended sentences of 12 months each and were required to pay the costs in the case, which amounted to a considerable figure.

The final scenes of the trial were enacted in the presence of a court room full of spectators. Several women mounted the bench to whisper in frantic plea to the Judge in behalf of some of the defendants, and their weeping was audible throughout the court room when Judge Stack told them that he felt that he had shown the limit of mercy consistent with the discharge of his duty to the State.

In sentencing the defendants, Judge Stack declared from the bench:

"God save the State that has to depend upon mobs to protect its women. The women of North Carolina do not have to depend upon mobs for their protection, the law will attend to that. What the officers needed down there that night was a few machine guns. North Carolina must put more red pepper in its handling of criminals. There were several hundred people down there at the jail that night and a crowd went to the Sheriff's home, yet nobody knew anybody".

Not long ago, a petition, signed by more than 6,000 citizens of Asheville seeking executive clemency for the members of the Asheville mob, was presented to Governor McLean. The Governor's statement in denying clemency to the members of the mob follows:

Governor McLean's Statement

"Several months ago these men and many others deliberately stormed the Buncombe County jail in an effort to do violence to a prisoner; not finding the prisoner they sought they proceeded to harrass other prisoners and to do injury to the prison and prison property.

"The families of these prisoners have my deepest sympathy. The Commissioner of Pardons, feeling that the families might exhaust their meagre resources in an effort to obtain freedom for the prisoners, went to Asheville and, at the expense of the State, heard their petitions in person. It is an unpleasant duty to decline these applications with the full knowledge of the distress that must result even though the prisoners themselves be responsible. I am sure the good citizens of Asheville, the churches, the civic organizations and others interested in human welfare will see that these unfortunates are provided for. This is a splendid opportunity for the proper exercise of human sympathy, and I am sure the splendid citizenship of Asheville will not fail in the performance of that duty. Those left at home to suffer call far more loudly for the sympathy and assistance of the law-abiding citizens than do those who have deliberately taken the law into their hands. But for the splendid effort on the part of the Sheriff and other officers of Buncombe County, those men would have been guilty of an even greater offense. I cannot commend the action of those officers too highly.

"When the State of North Carolina takes a prisoner into custody it then becomes responsible for his safety and that responsibility remains

until his case is disposed of in accordance with law. A prisoner in custody of the law is entitled to the same protection as is the Judge on the bench, or the Solicitor who represents the State in the prosecution. In this instance the State of North Carolina went to great expense in order that the prisoner in question might be given a fair and impartial trial. The National Guard of the State was called into service at the expense of the taxpayers. The prisoners sought to destroy the very processes of government upon which they now rely. The Governor is the instrument of the law just as the jail is the instrument of the law. They were given a fair and impartial trial and convicted by jurors chosen from their fellowmen. The sentences imposed, it seems to me, were eminently fair and just and might easily have been more severe.

"More than 6,000 persons have appealed to me in behalf of these men, among these I am advised by the Commissioner, are a large number of police officers, justices of the peace, and other officials charged with the enforcement of law. Very probably these persons are moved and animated entirely by sympathy for the wives, mothers and children of the prisoners. Those who are asking for clemency for these men should remember that the crime they committed was one of the most serious known to our law—serious because the sovereignty of all the people of the State was trampled under foot and insulted by the mob when it attempted to take the law into its own hands. In a democracy like ours, the laws, and the courts set up for the enforcement of the laws represent the true sovereignty of the people, because the people can only express their sovereignty through the laws that are enacted by their representatives for the protection of society.

"No question of mere sentiment should enter into a case of this kind. Sentiment should all be upon the side of the people whose sovereignty was insulted.

"I have been much gratified at the outstanding evidence which we have seen in North Carolina in the last few months that our people are determined to suppress mob violence at any cost. It is one of the most refreshing things I have seen. No man can calculate the damage that may be done to the good name and fame of North Carolina by even one lynching, and the only way to suppress lynching is to let those who engage in it understand that they will be punished and punished severely, just as has been done in the Asheville and Martin County cases".

A Case in Franklin County

The following case which occurred in Franklin County shows how a mob bent upon lynching a Negro was circumvented and justice through law was secured for the mob's potential victim. The account of this case is compiled from reports in various newspapers.

At three o'clock one morning in September, 1927, Algy Perry, a resident of Bunn's township, in Franklin County, on entering the room where his wife was sleeping, saw a form rise from the bed and make a wild dash for the open window. He asked his wife who it was. She replied that she had been asleep and did not know that anybody had been in the room except her husband.

Mr. Perry aroused several of his neighbors, procured bloodhounds and started a chase. The dogs were placed on the trail at the window where Mr. Perry saw the retreating form. They went without hesitation, baying as they went, to the house where Weldon Bryant, a Negro, was found. They proceeded around the house to the back door and when it was opened started upstairs where Bryant was sleeping. To make sure that

the right man was found, the men took the hounds back to Mr. Perry's house and again unleashed them. They followed the identical course previously taken. Bryant could give no clear account of his whereabouts during the night and he was arrested and brought to the Franklin County jail.

It was learned that Bryant, who was about 20 years old, had been riding around Saturday night with three other Negroes and that at least two houses had been robbed. All three were locked up in jail with Bryant, but in separate cells. All told conflicting stories.

One of the houses broken into was that of J. W. Acre. Nothing was missing except all the edibles in the kitchen. The dwelling of Robert Wright near Bunn was entered and a pair of trousers containing $20.00 or $30.00 in money and a watch taken.

Although the man who entered the Perry home did not harm Mrs. Perry, her husband returning very quickly, there was considerable feeling in the neighborhood which is 18 or 20 miles from Louisburg.

The following night at 10 minutes before nine o'clock, Sheriff F. W. Justice heard that a mob was forming in Bunn's township to come to Louisburg and take his prisoner from the Franklin County jail. Before nine o'clock the Sheriff had the Negro in an automobile headed for Raleigh. Shortly after 10 o'clock he was notified from Raleigh that the guard had arrived at the State Prison.

Five hours after Sheriff Justice had dispatched his officers to Raleigh with the prisoner, a mob of 100 men assembled at the jail to take Bryant out and lynch him. After surrounding the jail, the mob sent ten of their number to the jail to demand the keys. The jailer told them that the Negro had been taken to the Penitentiary in Raleigh. They demanded the keys anyhow but the jailer refused to give them up.

A fire alarm and riot call were turned in and firemen were soon on the scene, a truck stopping in front of the jail. The half dozen men on it were told by the mob leaders to move on and as they were badly outnumbered, and as the mob was in a truculent mood, firing revolvers at intervals, the firemen decided it was the better part of valor to proceed.

Deputy Sheriff Fuller and Chief of Police B. H. Meadows finally decided to go to the scene and notify the mob of the fact that the man they wanted was not to be had. They had some difficulty in convincing the leaders that they were telling the truth but finally persuaded them and the mob broke up.

It was learned that the members of the local military unit, Battery B of the 113th Field Artillery, had assembled at their armory, and had two machine guns ready for action.

Even had the Negro been in the jail it is believed by the authorities that the mob could have been prevented from taking him.

Early on the following morning a crowd of about 40 masked men came to Louisburg about 1:30 o'clock, presumably for a second attempt to get possession of Bryant. Their first step was to compel the superintendent of the power plant to cut off all the lights. H. C. Leach, night engineer at the plant, saw the crowd coming to the power house, realized their purpose and secreted himself. There was apparently no one in the crowd familiar with the working of an electric light plant. So after a while the crowd went to the home of O. C. Hill, superintendent of the waterworks and power plant. They called him out. One of the leaders stuck a pistol under his nose and ordered him to go to the plant with them. Arriving at the plant they compelled him to throw the switches, thus putting the town in darkness.

They went to the house of Township Constable J. A. Wiggs, who was one of the party of officers who accompanied Bryant to Raleigh several nights before. Mrs. Wiggs, when awakened, told the men that her husband was not at home but was off on a raid. They refused to believe her and went to the garage to see if the constable's car was there. It was not. The masked men then left.

They also visited the home of Deputy Sheriff Fuller who also was in the party that took Bryant to Raleigh a few hours before the mob, 100 strong, came to Louisburg determined to take the Negro out and, no doubt, lynch him. No effort was made, however, to arouse the Fuller household, the marauders hanging around for a time and then departing. Naturally the families of both the officers were considerably frightened. In the meantime Night Policeman C. E. Pace had aroused Chief of Police B. H. Meadows. The two started on a tour of investigation, but the mob had driven off when the policemen arrived.

Constable Wiggs had left Louisburg at 8:30 o'clock for Raleigh to get Bryant and bring him back for a preliminary hearing. When Deputy Sheriff Fuller saw that the mob had not given up its purpose to make trouble he telephoned the State's Prison with instructions to Wiggs not to bring the Negro to Louisburg. The hearing was abandoned and the matter left for Grand Jury action at the October term of court.

A rigid investigation as to the identity of the members of the mob was begun and attempt was made to find those persons guilty of acts of lawlessness and to mete out punishment to them. The people of Louisburg pledged their best efforts to see that the members of the mob were identified and brought into court. Great difficulty was experienced however, because of the fact that O. C. Hill, the only man who came in close touch with the mob, was unable to identify any of them. He said they wore masks but no robes.

Because public feeling was so high in Franklin County as to prevent an impartial trial, plans for the preliminary hearing were abandoned because of fears for the prisoner's safety and Judge Stack ordered the trial transferred to Wake County Superior Court at Raleigh.

At the trial held in Raleigh, Bryant, who had been twice sought by mobs at the Louisburg jail, and who, in the opinion of the authorities, is living now solely because he was brought to the State Prison in Raleigh for safe-keeping, was found not guilty of the charge of criminal assault, the jury bringing in a directed verdict.

The first breakdown in the State's case came upon the prosecutrix's evidence, at the close of which Judge Sinclair directed that the charge be changed from that of a capital felony to that of having improper relations with a female by impersonating her husband. Complete collapse of the State's case was registered when attempts to identify a cap near the scene as belonging to the defendant failed, and when Judge Sinclair ruled out "bloodhound evidence" on the ground that the breeding of the dogs had not been established and the further ground that such evidence is admissible only in corroboration and that the State had offered no other evidence of identification.

"Undoubtedly there has been an outrage committed, but this case has reached the point where it can go no further," declared Judge Sinclair in announcing his action to the jury. "Evidence of bloodhounds is admissible only as corroborative evidence and the State has presented no evidence of identification which such evidence could corroborate."

W. H. Allen, owner of the blood hounds and a former sheriff of the county, was detained by sickness, and R. R. Barnhardt, his assistant, was unable to establish the pedigree of the dogs.

Mrs. Perry testified that during the occurrence, which took place in her bedroom which was also occupied by her mother and three children, one of whom was in bed with her, she thought the intruder was her husband, who together with his aunt, was occupying an adjoining room.

Mrs. Perry said that she did not look up, even when the man hurriedly left the bed and the room which was lighted, and that her first intimation that it was somebody else was when her husband, who had been out of the house, called her into his room and asked who had left her room.

At this juncture, Judge Sinclair ordered the charge modified and a little later dismissed the case when two Negroes, one of them the brother of the defendant refused to identify a cap found on the Perry premises as belonging to the defendant.

Bryant spent his first night of freedom in jail upon the advice of his attorney. The following morning he was released in the care of the State Board of Public Welfare.

In view of the fact that in the orderly process of law in 35 cases of Negroes convicted of rape the Governor extended executive clemency to 15 of this number after they had been sentenced to death in the electric chair, it is safe to venture the opinion that an equal proportion of alleged rapists who have been victims of the mob would not have been put to death if they had had a fair legal trial, by which their guilt or innocence could have been decided on the merits of the evidence presented in a dispassionate, judicial atmosphere.

Summing up the subject of lynching and mob violence in North Carolina, it may be said that the State has in large measure, especially in recent years, met the challenge presented to the South since the Negro was freed from slavery; and that in its battle against lawlessness and mob rule North Carolina has set an example for other States in stimulating the development of an educated public opinion and a wholesome respect for law and order.

Case Histories

FOREWORD

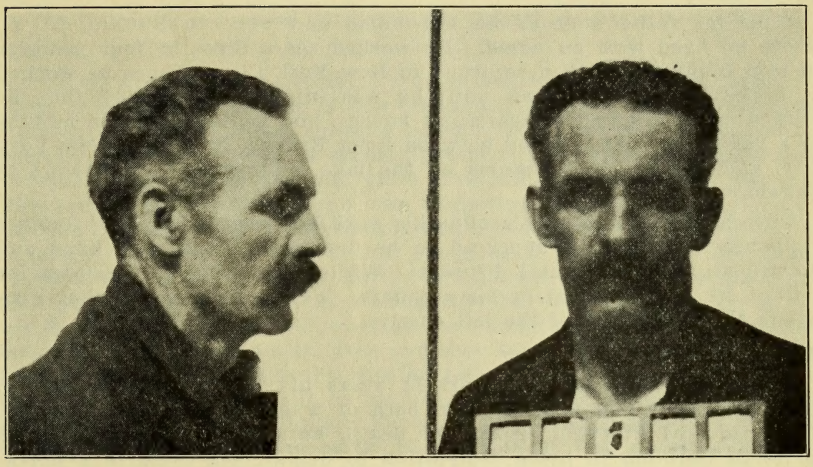
The prisoners whose case histories are presented in the following pages do not represent a selected group, except on the basis of conviction for capital crime. They are 26 men who have been convicted of capital felonies and sentenced to death in North Carolina during the last few years, and regarding whom data could be secured. They were not chosen to emphasize any special aspect of the infliction of capital punishment, nor any special sort of capital offender, but as representing a typical group of criminals sentenced to be electrocuted in this State. Except in the cases otherwise designated, all these prisoners are at the State Prison or the State Prison farms.

Intelligence tests were given these men by the psychologist connected with the State Board of Charities and Public Welfare, or by other reputable psychiatrists. The tests most frequently used were those of the Binet-Simon Intelligence Scale as arranged by Lewis M. Terman, professor of education at Leland Stanford University.

For the benefit of the general reader it should be explained that, according to this scale, certain tests for measuring intelligence have been formulated, grouped with respect to age. That is, there are tests which the average child of, say, six years can answer satisfactorily, which the superior child of six can answer much better, and on which the subnormal child of six fails. The tests run up to the 18-year-old group. In this way the mental age of the person tested can be ascertained. The intelligence quotient is the ratio which the mental age disclosed by the test bears to the chronological age of the person tested. The intelligent quotient of the normal person is between 90 and 110.

These tests have been extensively used by psychologists, educators and criminologists, and by means of them much illuminating data relative to the criminal has recently been obtained.

CASE A



Prisoner: White. b. New York, Aug. 24, 1875
Charge: First Degree Murder
Sentence: Death
New Trial Sentence: Life Imprisonment
Transferred to State Hospital for the Insane at Raleigh
Present Location: State Prison
Mental Diagnosis: Cerebral Arterio-Sclerosis.

Physical Characteristics:

The prisoner is five feet, 10 inches in height; weighs 150 pounds; has blue eyes, gray hair and a long gray moustache. At present his appearance is fairly good. He is 53 years old, having been born in New York on August 24, 1875.

Physical examination showed that although the prisoner has been poorly nourished, he is well-developed. He has gained weight since institutional care began. His teeth were in poor condition and his mouth unhygienic. His Wassermann test was negative.

Family History:

He does not know where either his father or his mother were born, but says that his father worked in New York as a machinist. His father died of "brain fever", but the prisoner does not know the cause of his mother's death. He had no brothers, but his three sisters were born in New York. One of them committed suicide and the two others died of tuberculosis.

Early Home Conditions:

The income of his family was so small that it was necessary for the prisoner to sell papers from the time he was old enough to do so until he reached the age of 12 years. Among the papers which he says he has sold are *The New York World*, *The Herald*, and *The Journal*.

Education:

He attended school one year in New York. When he was 12 years

old, the family moved to Philadelphia where he went to school one year. He says that he has attended night school some since that time.

Occupations:

After his father's death he left home and went to Buffalo, N. Y., where he lived with an uncle. He worked there three or four years in an iron foundry and then returned to New York City. There he worked as brakeman on a railroad until he was injured. Following this, he worked as janitor in two apartment houses, and worked for nine months on a passenger boat running between Long Branch, N. J., and New York City, and then for two seasons on the lake boats with headquarters at Buffalo.

Since he came to North Carolina his work has been mostly with lumber companies. In this he appeared to be dependable, was well liked and showed no trace of mental disorder. While Postmaster in his town for a time, he became short in his accounts. Following this, he shot himself in the lower part of the left chest.

Marital Record:

About 1898 he married a girl 18 years old who had been born in England. They had two children, both of whom died in early infancy. This wife died in 1910. After her death, he says, he decided to come to North Carolina to avoid temptation to drink. He came to a northeastern county in this State where he married again about 1913. By this wife he had three girls and two boys, all of whom are living at present.

Habits, Characteristics and Reputation:

He says that he used alcohol excessively from his early youth until he was married the second time in 1912 or 1913. He denies any immoral sex relations and also says that he never used drugs. He smokes and chews moderately.

As Deputy Sheriff in the county in which he lived in North Carolina he was very active in attempting to suppress liquor traffic, it is said. He claims that his second wife worried herself to death because bootleggers were constantly trying to kill him. He was also actively engaged in religious affairs, and was for a time a Sunday School teacher. It is reported, however, that he continued to drink excessively while engaged in these activities.

Story of the Crime Charged:

An adopted daughter lived in his home until just prior to the murder for which he was convicted. It is understood that she left his home and went to live with a near neighbor because of his excessive drinking and because he had made improper sex proposals to her.

Although the examiner was unable to get any information from the prisoner regarding the crimes he had committed, it is generally believed in the neighborhood that he became enraged because his neighbors, a man and his wife, took this girl into their home. After they had done so, the prisoner walked over to the neighbor's house, shot and killed the man and his wife, and attempted to shoot the girl.

After the prisoner had been received at the State Prison, and while he was waiting to hear from his appeal for a new trial, he attempted to commit suicide by setting fire to his bed clothing. His mental condition grew worse after this, and he was finally granted a new trial. He was then sentenced to life imprisonment and placed in the criminal insane department of the State Hospital. Recently his condition has

improved so much that he has been returned to the State Prison where he is working regularly in the chair factory.

Mental Condition:

The following report on the prisoner's mental condition is quoted from the record of the State Hospital for the Insane:

"ATTITUDE AND MANNER: The prisoner appears to be about 55 years of age and at the time of this examination showed no evidence of untidiness. He wore prison clothing in such a way as to indicate that he exercised reasonable care in adjusting same. He was aided to the room in which the examination took place from his cell by a fellow prisoner. The general appearance of the man suggested that he was in ill health and his facial expression denoted marked dejection alternating with looks of anxiety; frequently stared into space as if oblivious of the things about him. On one occasion during the interview he left his chair and assumed a seat on the floor, stating that he did this in order to rest better and to relieve the pains which were affecting his legs. On another occasion he called for his children and then seemed to make every muscle in his body tense. Following this he fell head first out of his chair to the floor. As far as could be ascertained no acceleration of pulse occurred and it is not definitely known whether he became unconscious or not. If he did become really unconscious it was transitory and he was soon able to regain his seat. He would very frequently lose control of himself emotionally and cry, at the same time calling for the above-mentioned children. Made no spontaneous complaints or request except he stated that he wished to have his children visit him. No unusual movements noted apart from the above and no evidence of stereotypy. No cerea flesibilitas or negativism but was observed to be a little stiff in his movements. It appeared to the examiner that patient was unable to get a sufficient grasp of the activities going on about him to aid satisfactorily with this interview, although it cannot be said that he wilfully tried to hinder the examination. His attitude toward the physician was at all times friendly and courteous.

"CONSCIOUSNESS: Patient recognizes objects which are drawn to his attention and no definite consciousness was apparent. He does, however, act in a rather retarded manner and his answers to questions to determine consciousness were given slowly as if he did not comprehend the question or the object asked about. If given a sufficient amount of time, he is usually able to execute the test correctly.

"ORIENTATION: Patient states that his home is in _____ County, Carolina; would not say whether North or South Carolina. He states that he is under the impression that he is now in the 'crazy house' but has been told that the place in which he is now residing is the State Prison. He claims that he does not know the nature of his surroundings. Gives the date as 1926. No other information relative to time elicited. He is able to give his own name and that of the prison physician and a guard at the prison. Is approximately oriented for person.

"ATTENTION: It is extremely difficult to gain, hold and direct patient's attention. He stirs about the room and takes no particular interest in the examination procedure. Although he is not distractable by outside influences, he seems mentally preoccupied. It is necessary to stimulate him at frequent intervals to get him to answer questions or cooperate with the examiner.

"EMOTIONS: Patient is emotionally unstable. He very frequently breaks down and cries when sensitive subjects are approached. His

general appearance has never indicated, since he has been under observation, that he has been exhilarated or even cheerful.

"TRAIN OF THOUGHT: Conversation is extremely slow and is always in a whisper. He has no flight of ideas. Answers questions in a relevant and coherent manner except when speaking of his delusional and hallucinatory experiences. Seldom, if ever, has any initiative in conversation.

"MEMORY: Patient states that he came from _____ County, but does not know how long he has been here. He denies any knowledge of what occurred shortly before his admission to the State Prison. His attention is called to the fact that he was accused of killing two persons, but he stated that he had no recollection of having done this. Although the examining physician has seen him on three previous occasions during the week of this examination, he denied that he had ever seen the physician before. He stated that he remembered that a blood test had been done two or three days ago and knows that this was done in the afternoon. His answers to questions asked him to determine his memory would surely indicate impairment both as to recent and remote events. As to whether this impairment is real or apparent must be determined by the findings of the entire examination.

"GRASP OF GENERAL AND SCHOOL KNOWLEDGE: Patient made several mistakes in the 7 from 100 test. States that $2 \times 12 = 24$; 7 from $100 = 90$; $7 + 100 = 97$; $5 \times 12 = 50$ or 55; $12 + 11 = 23$. Gave the capital of New York as Buffalo. Capital of United States, Washington. Capital of North Carolina, Halifax. State to the north of North Carolina, Virginia; named Ontario and Erie as two great lakes. Gave the date of the Civil War 1865. Gave the names of Lee and Sheridan as ones who took part in the Civil War. First President of United States, Washington; President of the United States at the present time, Wilson; Governor of North Carolina, Morrison. Did not know the names of the Senator from New York or North Carolina. Did not know the longest river in the United States.

"DELUSIONS: The following ideas expressed by the prisoner, if genuine, could be classed under the heading of delusions. He stated that he had been fighting the illicit liquor ring in Halifax County for the past five or six years and that on four or five occasions he had been shot and wounded by its members. He states that they are indirectly responsible for the death of his wife who became worried over his welfare because of the fear that the bootleggers would do him some harm. He states that they burned his house and stole his children. He also contends that they have in the past sent him threatening letters and he also feels that they had him sent to his present place of incarceration. According to his statements, it is his opinion that they are desirous of getting him out of the way in order that they could be free to carry on their illegal traffic in liquor. He explained to the examiner that these persecutors had followed him to the place in which he is now residing and are continuing their persecution.

"HALLUCINATIONS: The prisoner states that about ten years ago that he heard the voice of God who directed him to live a better life and to become affiliated with the church, which patient did. Has had communications with God at intervals ever since this time. He states that the liquor dealers of _____ County, who are responsible for his incarceration, come to his room practically every night where they threaten and abuse him. He also claims that his children visit him and that he can hear their voices in the neighborhood of his cot. Has never seen his children, but claims to have seen the bootleggers.

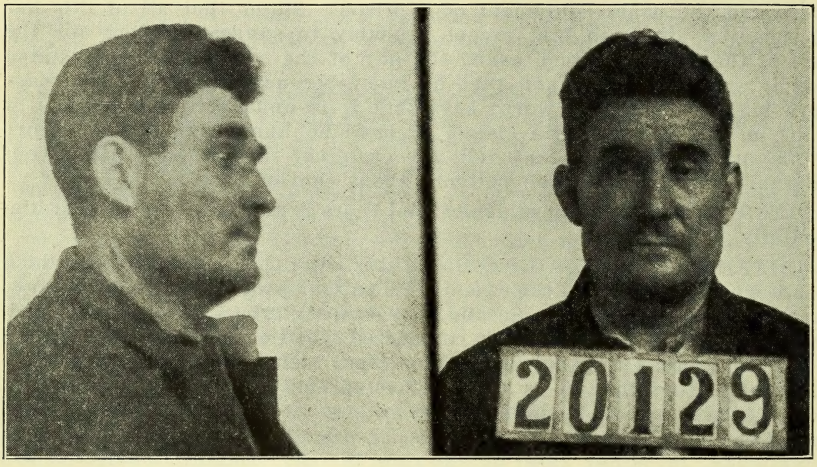
"JUDGMENT: Patient's answers to questions asked him to determine his judgment would naturally lead one to think that his reasoning powers are impaired. He claims to be unable to arrive at a conclusion as to the nature of his surroundings after being able to recognize cells, barred doors and the usual equipment of a prison. States that all of this has no meaning at all to him except probably to suggest a place for the care of the insane. When asked the day of the week, he readily stated that it was a week-day and that he knew because men about the place were busily engaged in work; says that it is unusual to see anyone at labor on the Sabbath. He claims to have no knowledge of the nature of his surroundings; in fact, told the examiner that he had seen a considerable number of insane patients about the building.

"INSIGHT: The prisoner denies that there is anything wrong with him mentally.

"DIFFERENTIAL DIAGNOSIS: There are three conditions which stand out prominently in the case of this patient, and are as follows: First, Involutional Melancholia. Second, Cerebral Arterio-Sclerosis, and third, Senile Psychosis. It is generally considered that Cerebral Arterio-Sclerosis is the intervening link between Involutional Melancholia and Senile Psychosis and, therefore, it is to be expected that the symptomatology of their diseases are to be found more or less interwoven. In his case it really reduces itself to the problem of selecting the predominance of symptoms. In either case in addition to the mental manifestations present, there are to be expected certain physical signs. The majority of the organic symptoms which he has indicated an arterial disease and with his mental disturbance they together point to some cerebral vascular changes. It is unnecessary to enumerate the various symptoms given above; suffice it to say the examiner is of the opinion that the prisoner is suffering from Cerebral Arterio-Sclerosis and the disease of necessity has had a long prodromal period. This diagnosis answers the legal question envolved.

"DIAGNOSIS: Cerebral Arterio-Sclerosis".

CASE B



Prisoner: White. b. Eastern N. C., Oct. 1878
Charge: First Degree Murder
Sentence: Death
New Trial Granted by Supreme Court
Charge: Second Degree Murder
Sentence: Imprisonment for 30 Years
Mental Diagnosis: Feebleminded.

Physical Characteristics:

The prisoner is rather short and stocky, only five feet, four and a half inches in height, weighing 162 pounds. He has a heavy growth of brown hair, an almost square face and brown eyes. His left eyelid droops. He has a history of gonorrhea. He is 50 years old, having been born in an Eastern North Carolina county in October, 1878.

Family History:

His father and mother and his paternal grandfather were born and lived in the county in which the prisoner was born. He said that he thought that his father died of paralysis and that his mother died of asthma. His father had four brothers and three sisters. One of the brothers was a heavy drinker. One brother and two sisters died of paralysis, and another brother, it was thought, died after having his throat cut. His mother had four brothers, two of whom died of asthma and another of whom was an epileptic.

The prisoner had four sisters and one brother. One married brother and two single sisters live in the home county at the present time. Another sister married into a very respectable family in a nearby city and another married sister died in childbirth in Florida about 1917.

Education:

The prisoner says that he went to school only about three weeks.

Occupation:

Ever since he left school, for about 30 years, he had farmed on land

which belonged to his parents, going frequently to the little county seat not far away.

Marital Record:

He has never married, but has been very promiscuous in his relations with women.

Habits, Characteristics and Reputation:

He was well known at the county seat and in the rural community. He always appeared to be pleasant and was regarded as being a sort of harmless half-wit. His rating in the State Prison is Class B.

Story of the Crime Charged:

At the time of the crime the prisoner was living at the home place with his two unmarried sisters. Ill feeling had arisen between him and a neighbor over the location of a road. It is claimed that the prisoner shot the other man after he had been threatened by him. He was charged with and tried for first degree murder, and was sentenced to be electrocuted and spent some time on death row at the State Prison. However, a new trial was obtained on account of the prisoner's mental condition, in view of the fact that the jury had rendered a verdict of guilty with a recommendation of mercy. At the second trial he was tried for second degree murder and was sentenced to 30 years in the State Prison.

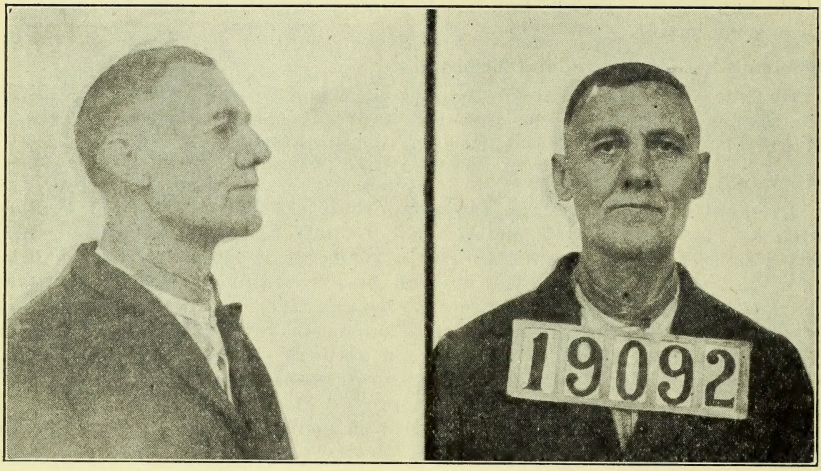
Mental Condition:

The examiner who recently studied the prisoner made the following statement:

"It was impossible to give this case a complete Terman examination because of the uncooperative attitude. There was no antagonism on the part of the subject, but a complete lack of interest in the proceedings and an unwillingness to make an effort. In all the few responses that we were able to secure, as well as in the conversation, which was quite free, there was a remarkable lack of emotional tone and absence of modification or inflection of the voice. It is possible, of course, that the mental condition of the case may be the result of deterioration. However, the general picture presented seems to indicate rather a simple condition of feeble-mindedness.

"Of the tests to which we were able to secure responses adequate for scoring there was failure in the repetition of four digits at the four year level; inability to name the colors blue and green at the five year level; failure of two out of three of the comprehension tests at the six year level; but passage of the right and left test and the coin test at the same level; passage of the fingers test at the seven year level; failure of the counting test at the eight year level; but passage of the comprehension, similarities and definitions test at the eight year level; passage of the change and date tests at the nine year level; failure of the comprehension test at the 10 year level; and of the similarities test at the 12 year level."

CASE C



Prisoner: White. b. near Va.-Ca. line, Aug. 20, 1871.
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Present Location: State Hospital for the Insane at Raleigh
Mental Diagnosis: Manic-Depressive Psychosis.

Physical Characteristics:

The prisoner is six feet, one inch in height; weighs 147 pounds, carries his head erect; has round shoulders, high forehead, prominent nose and chin, light brown hair and blue eyes. He is 57 years of age, having been born in a Piedmont county of North Carolina near the Virginia line on August 20th, 1871.

The general physical condition of the prisoner is good at present. He gives a history of pellagra and gonorrhea and the usual diseases in childhood, some rheumatism and fainting spells in childhood. He has had occasional vertigo, especially since his mental trouble began. He also tells of a burning sensation which felt like electric shocks. In an attempt to relieve this he used to put wet towels on his back.

His poor health at the time of the murder he thought was due to the fact that he had had malaria in Cuba while serving as a soldier during the Spanish-American War. Because of this he continues to draw a pension from the Federal government.

Family History:

His father was born in Virginia and his mother in North Carolina where his parents lived at the time the prisoner was born. Both parents are now dead. The mother died in labor and the father died of meningitis when the prisoner was 14 years old. One sister died of tuberculosis, another died of scarlet fever at the age of six, and one brother and one sister are now living.

An aunt, although never confined in an institution, was temporarily insane. There was no epilepsy and very little alcoholism in the family.

Occupations:

At the age of 17, the prisoner went to work on the railroad in order to keep his sisters and brother in school. He says that he had the responsibility of these children for several years.

He served as a soldier in the Spanish-American War, and after this worked in the Northern states for a time. Later he worked in the Naval Observatory in Washington.

His most recent occupation was as insurance agent in a Virginia city. When he first went there it seems that he was in fairly good circumstances. Prior to this he had been engaged in various kinds of mercantile business. His employment as insurance agent had just ended when he shot his wife.

He changed jobs frequently and in at least two instances his employer let him go because he talked so much about his domestic troubles.

Marital Record:

He married his first wife when he was working in Washington. After that they lived in New Hampshire for a time, and then came back to Washington where his wife died of acute nephritis. By her he had four boys and one girl. He managed to keep his children together, and later came to Virginia. He then married a woman who grew up in the same community in North Carolina in which he had been born. At the time of this marriage he was 41 years old, while his wife was only 21. He says that he knew his second wife as a little girl, and that he had known her people all his life. By her he had three girls.

Soon after his second marriage, a son to whom he was very much attached died. After this he moved to another place in Virginia, near the North Carolina line where he was living when he shot his wife at her former home in North Carolina, and where his domestic troubles seem to have started. After the death of his son his wife left him, and wrote to the secretary of a lodge of which he was a member saying that her husband was not taking care of her financially. He says that his wife left him frequently without giving any reason—merely saying that she was going home. Her mother and sisters were constantly trying to persuade her to come home, according to the prisoner.

Habits, Characteristics and Reputation:

Although he is rather a pleasant conversationalist, all available information seems to show that the prisoner has for years been a manic-depresseive personality and that his condition probably was aggravated by a series of unfortunate events: the death of his first wife; the death of his son; and the fact that his second wife had left him several times, taking the children with her. In addition to this he had received an insulting letter from his brother-in-law, hinting that he had been having relations with the prisoner's wife who was then staying at the home of her parents. The prisoner brooded on this for three years, and probably went to his wife's home to kill the brother-in-law.

A doctor who for more than five years had been the prisoner's family physician in the Virginia city in which he lived says:

"During this period of time I was frequently in the prisoner's home professionally and saw him at other frequent intervals. Soon after I met him he lost a son, which was a great shock to him, and from which he never seemed to recover so far as his general mental equilibrium was concerned. He had many financial reverses after I knew him, but always made an honest effort to meet his obligations. . . . He impressed me as being physically weak, high-strung, temperamental, honest, conscientious, and, I may say, a religious fanatic."

From another source it was reported that when his child died, he became very morbid and depressed and threatened to do violence to the physician.

In talking about his mental trouble, the prisoner states that he has had several attacks of mental derangement, but that the events which took place at those times are rather hazy in his mind. However, he does remember a few incidents very clearly relating to the cause of the murder.

Soon after the commutation of his sentence for murder he had another attack of insanity in the State Prison and was transferred to the State Hospital for the Insane at Raleigh. During these attacks, he says, he felt as if he were being shocked by electricity. He could see Christ and His angels in his room and he could look out of the windows and see thousands of people. He heard voices saying that they were going to kill him.

Since his admission to the State Hospital he has had other attacks. At the time he was admitted he was so depressed that he remained in bed for several weeks. At present he is quiet and well-behaved, and is not depressed or seclusive or abnormally talkative.

The prisoner says that he holds no ill-feeling toward anyone—that he feels better than he had in many years, and that he is no longer depressed because he has come to the realization that life is a mental problem. He says that he has given his life to God and that instead of becoming depressed about his own troubles he now does his best to get others to see life as he sees it. He does not feel that his freedom is restricted although he is in prison, as he feels that his mental attitude has now made him absolutely free. He writes his children that he hopes they feel as free as he does.

His children who are old enough write to him, and he thinks they all have a great deal of affection for him. Two of them come to see him frequently.

Story of the Crime Charged:

The prisoner says that he received a very insulting letter from his brother-in-law, stating that the prisoner's wife, who was away from her husband at the time, was having improper relations with him (the brother-in-law). This letter, copied from the court record, is as follows:

"_____, N. C., July 14/21.

"Mr. Yellow Bat Hound:

"Dear Sir: If you had as many guts as a snake you wood come over and show your ball head. I hope to see you real soon. I sure do enjoy your wife being with us and if you can help yourself, come over and do it. You haven't got ther nerve, have you, Red Head. Now, if I have wrote something you do not like, come and bring it to me and we will straten it up.

"Rsp,
(Signature)

"P.S.—Good-by till I see you Pat, Ha Ha; can you help you self."

The murder took place three years after this letter was received. The prisoner says that when he got it, his first impulse was to kill his brother-in-law and he went so far as to purchase a revolver; that he thought and prayed about the matter and tried to avoid temptation, but worried for three years about the letter and what he should do about it.

When the shooting occurred, his wife had left him and had gone with the children to her home where the brother-in-law and his wife also were living. One day he went to his wife's home to see her and the

children. He says that his brother-in-law attacked him that afternoon. On the night of the same day the murder was committed; and although the prisoner does not remember much about the incident, he says that he believes he started shooting at the brother-in-law, and hit his wife who was in direct line of fire. She died almost immediately. The brother-in-law and his wife also were wounded.

He was sentenced to be electrocuted, but on the day before the date set for the electrocution his sentence was commuted to life imprisonment.

Recommendation of Commutation:

In recommending that his sentence be commuted to life imprisonment, the trial Judge wrote in part as follows:

"I observed the defendant closely. He impressed me as a man of a highly nervous disposition, one who had possessed more than average intelligence, but his attitude was that either of one who had committed a crime for which there was no remorse of conscience or regret for consequences, or as one who did not realize fully the gravity of the situation.

"From the evidence developed, the defendant prior to his act had received in due course of mail a letter purporting to have been written by his brother-in-law, and which unquestionably the defendant thought was written by him, although the authorship thereof was denied. The contents of this letter were such as would arouse animosity against the brother-in-law and the jury might have adopted the contention of the defendant that his purpose in visiting the scene of the tragedy was to take revenge upon his brother-in-law for a supposed breach of morality upon his part, which in my opinion, from the evidence, did not occur, but which the defendant evidently thought had, and that acting under such suggestion his possible purpose was to take the life of the brother-in-law alone, but when finding the brother-in-law and the wife and others together, sudden passion was aroused as toward the deceased, and acting thereon he took her life, which might have meant murder in the second degree".

Symptoms of the Manic-Depressive:

The following description of the manic-depressive personality, such as the prisoner, is taken from *Abnormal Behavior* by Irvin J. Sands and Phyllis Blanchard.

This type of personality "is subject to marked fluctuations of mood. It swings in alternate cycles of elation and depression. In the elated mood the person is talkative, facetious, restless, over-active, impatient and perhaps a trifle boisterous. The opposite phase is one of sadness or depression, in which the patient is quiet, retarded in thought and movement, is oppressed by a feeling of sorrow and even of guilt, blaming himself for all sorts of acts which were in reality innocent enough in their intent, and at times inclined to be morose or tearful. The Manic-Depressive temperament is also inclined to irritability and uncertain temper.

"Whenever any situation arises which requires considerable tact, judgment, and increased capacity for adjustment, an attack of psychosis may result. . . . Diminished physical endurance following illness, business troubles, unhappy family incidents and at times an unexpected happy occurrence may precipitate an attack."

The usual types of this psychosis are the manic phase, the depressed phase and the mixed phase.

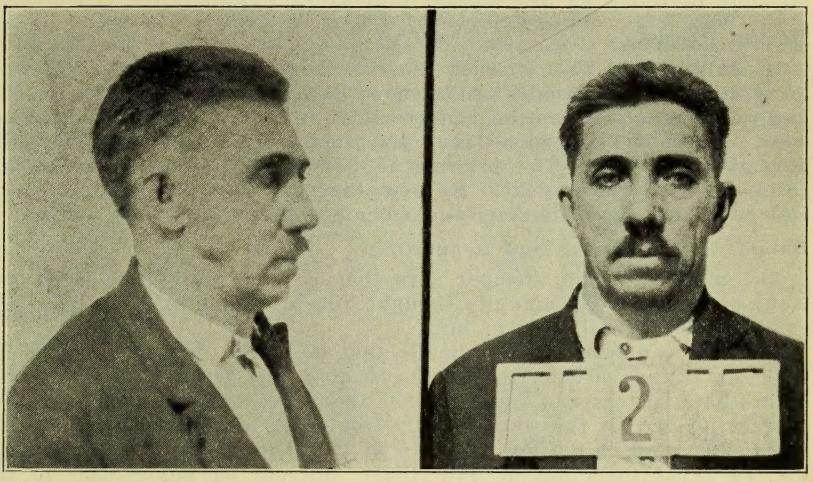
In the manic phase, the patient "lacks control of his instinctive re-

actions, which results frequently in many anti-social acts such as sexual indiscretions, assault, minor crimes and misdemeanors."

In the depressed phase, suicide is the most serious danger, "and suicidal attempts are very common. Occasionally, because of the gloomy attitude these individuals have toward the world in general, they inflict serious injuries upon members of their immediate family in their attempts to relieve them from their imaginary troubles."

In the mixed phase there is "a combination of the symptoms exhibited in the manic and in the depressive phases. In this condition one must guard against homicide".

CASE D



Prisoner: White. b. Georgia, 1873
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Present Location: State Prison Farm
Mental Diagnosis: Definite Psychosis, Probably Paranoid Dementia Praecox.

Physical Characteristics:

The prisoner is a man of medium build, five feet, eight inches in height, and weighing 170 pounds. He has blue eyes, mixed gray hair and a short moustache. His face presents a rather wild and dissipated appearance. He is 55 years of age, having been born in Georgia in 1873.

His mother states that he was small and very "puny" until he was 17 years old, and that he had some sort of "spells".

Family History:

He seems to know nothing of his paternal grandparents, but states that his maternal grandparents were born in South Carolina. It is not known whether or not there were any abnormalities in his grandparents or parents. His father, who was born in Georgia, died of pneumonia about 1892 in Texas. His mother, who was born in South Carolina, is now living in the town in which the crime was committed.

The prisoner had three brothers and two sisters. One sister died when she was 18 months old, and the other died at the age of six years. Two brothers died in infancy, and one who is about 30 years old now lives in the town where the crime was committed.

Education:

The prisoner had gone to school only a little in the South Carolina community in which he grew up, and has practically no education.

Occupation:

At the time the murder was committed, the prisoner was employed as a laborer around a mill in the Southern Piedmont section of North Carolina to which he had moved from South Carolina.

Marital Record:

In July, 1915, the prisoner married a woman 23 years old who, he says, had been sexually promiscuous like himself, with whom he had had relations, and whom he had promised to marry if she became pregnant. When she did so he kept his promise. They have a son, born December 3, 1925. The prisoner is not certain where his wife and child are living at present. He says that his wife was untrue to him and had relations with the co-defendant in his trial.

Habits, Characteristics and Reputation:

The mother of the prisoner says that he was easily influenced and many people of his community thought him to be of low mentality. His employer at the mill says of him:

"He was connected with a family that had been recommended to me as being trained hosiery mill help. I hired the family, a combination of brothers, sisters and first cousins, about five or six in all, and very quickly found that the whole family from both a moral and intellectual standpoint were of too low order to fit into our mill village and village life, so I put them out of our village and out of employment in the mill all excepting the prisoner whom I regarded as an inoffensive 'nut', using him for an ordinary laborer."

This employer who knew the prisoner well gave the following description of his behavior while he was working for him:

"At times I have found him in very depressed spirits, standing around talking to himself and crying, with tears flowing down his cheeks.

"At other times I have found him in a very hilarious condition and just as excited over some imaginary pleasantness as he had been over some imaginary wrong".

At the time of the examination the prisoner had given no trouble and was in Grade B.

Story of the Crime Charged:

The murder, for which the prisoner was tried and convicted in March, 1926, was committed on October 30, 1925. According to the evidence offered by the State, the body of a man was found in a barn with the head, feet and arms cut off. The body was about the size of B, a resident of the county who had disappeared, and while the identity was not apparent, the body could be identified as the body of a white man.

Prior to the trial, the prisoner made two sworn statements to a detective regarding the crime. These statements were as follows:

No. 1. "Defendant being duly sworn, says, 'On the night of the 30th day of October, 1925, A and me started opossum hunting toward Opossum Ridge and when we got near the barn that was burned we heard somebody laughing and talking and we went to see who it was and we found B there by himself and he was pretty drunk. A took a drink with him and B tried to make me drink and I would not drink and he said he would make me, and I dashed around A and when I did A hit him and when he did B fell and I said, "You have killed him." I said, "I wonder if he is dead," and I hit him with a little stick to see if he was dead. He did not move and A said, "We haven't half killed him yet," and A went to the car and got a knife and saw and sawed off one of his feet and then he sawed off the other leg. And

then he sawed off his arms; then he told me to hold his head, he was going to cut his head off and unjoint it. And I held his head and A cut his head off with the knife.

" 'Then he took a piece of burlap sack and tied up his head, feet and hands in it and we took it to near C's place or farm and put them under some rock in a briar patch, and he left them there for three or four days and then he wrapped them in a piece of new sacking and came to me and told me where they were, and the first cold rainy day in November I took them and went to the school building where my brother was firing for the school, and I went in at the back door of the basement and he was upstairs and I cut the sack open and threw them back in the furnace and stirred them up in the coals, and I went up and called brother and he said, "I am busy now I will be down after a little while," and he told me to shovel some coal in the furnace.

" 'I went back and waited for about a half hour or more and he did not come and I went out at the same door I went in at and started to go on by his house and I met him about half way between the old and the new school buildings. He asked me where I had started and I said I was going on to his house and see how my mother was. He did not know what I had done. He said it was about dinner time and I went to his house and eat dinner and went on home.

" 'In three or four days later I went back over to the school building and went by the ashes that had been taken from the furnace and could not find any bones in them, and I stayed over there that evening and helped brother sweep out the buildings and clean up around the school. After we cut B up we took him and put him in the barn and A told me to watch for him while he packed him away in the barn. He put him up on a box and covered him with corn tops and straw.

" 'We found a quart bottle that had had whiskey in it and a pint bottle with some whiskey in it. All of the killing and cutting the body of B was done between eight and 10 o'clock on the night of October 30, 1925. From what I could see, I think A searched over his body while he was covering B up. He then pushed the piece of tin back down that we pulled off to put him in. Then on Saturday evening, October 31, 1926, about 5:30 o'clock, A said to me "Let's go and get some liquor." And I went with him and we went up to the old barn. He said, "Do you want some?" And I told him I might later on. He went to the barn and pulled up the same piece of tin and reached in and pulled out something from the left hand side and put in his overcoat pocket, and then reached to the right hand side and got something and put in his overcoat pocket. I said, "Are you ready?" He said, "All but lighting my cigarette." And he struck a match and lit the cigarette and threw the match down on the straw and it begun to burn the straw and I said, "Are you going to let it burn?" And he said, "Let her go."

" 'And we left and went over to the Southern Railroad and come down the railroad to the culvert and we saw some people coming and we turned down from the railroad to near the creek to keep from meeting anyone, when we got back to the mill houses we saw nobody ahead of us and we got back on the railroad track and come on down to near the lock switch where the Southbound and the Southern railroads cross. And A went on the street leading out by D's store and I come on to brother's and found nobody at home. I then come on up town and bought some packages and went on home. On Sunday evening, the first day of November, 1925, I went home with my mother to my brother's and at this time I think it was I gave my brother $125.00,

that I had worked for the company and made and asked him to keep it for me. A said since he killed him he wanted his money and his liquor too if he had any.' "

No. 2. "Defendant, being duly sworn says on night of 30th day of October, 1925, he had been to a store and B (the deceased) spoke to him and he invited him home with him but he said he was going to see his people and get some whiskey. But he went to A's and he later went over there and B was at A's house about drunk, and A struck B in the head with a machine hammer and told him (the defendant) if he opened his mouth he would kill him and throw him in the closet. And in a few minutes he took him to the kitchen pantry and about 12:00 or 1:00 o'clock he took his knife and saw and cut B's feet, arms and head off and put them in a piece of tow sack and he, A, then took the body and made the defendant help carry it to the old barn.

"He (the defendant) then went home and stayed at home until the next evening he went to the store, and saw B and he asked him to go with him, and they went to the barn and got something and put in his coat pocket, and he struck a match to light a cigarette and threw the lighted match in the straw and would not let him put it out, and again told him if he ever told on him he would kill him. And on Sunday, November 1, 1925, the defendant gave his brother $125.00 and told him to take care of it for him. He does not know what he did with the arms, feet and head, never saw them any more after that night."

Largely upon this evidence and that given by the co-defendant who submitted to a charge of second degree murder, the prisoner was promptly convicted of first degree murder and sentenced to die, while the co-defendant was sentenced for second degree murder.

In his charge to the jury the trial Judge particularly emphasized the necessity for the presence of premeditation and deliberation on the part of the criminal in a verdict of first degree murder.

Counsel appointed by the court for the prisoner appealed as a pauper to the Supreme Court for a new trial, on the ground that the evidence was not sufficient to convict. A new trial was denied.

Commutation of Sentence:

Later it developed that many people of his community regarded the prisoner as being too low mentally to plan and carry out such a murder. In recommendations for commutation of the prisoner's sentence, the co-defendant was repeatedly referred to as "the brains" of the crime. The Judge, the Solicitor and the members of the jury all recommended that the prisoner's sentence be commuted. Accordingly, his sentence was commuted to life imprisonment on December 9, 1926, and he started serving sentence on that date.

Mental Condition:

A subsequent examination of the prisoner's mental condition was made and the examiner found that there was a definite psychosis which was "probably paranoid dementia praecox". The examiner stated:

"It is impossible to make any diagnosis as to definite form of psychosis on the basis of the examination given. There is no doubt, however, that a definite psychosis does exist, and there is considerable evidence pointing to the presence of well established active hallucinations, both of the visual and auditory types.

"The prisoner states that God first commenced coming to him about 10 years ago but that previous to that time, about 28 years ago, he

was in love with a girl. This girl was very sick and when about to die sent for him and made him promise not to drink, fight, or gamble. These were all things that he had been doing rather excessively. After her death she followed him for two years and, whenever he did any of these things, which he had promised not to do, she would appear before him and he would find that it was impossible after her appearance for him to speak or move until some one spoke to him.

"God now appears to him frequently. He says that He appeared to him night before last (that is, two nights before the date of the examination). At that time He told him just to pray on. 'He said, "I have heard your prayers. I will make an escape." I could see Him standing there bright and like an angel.'

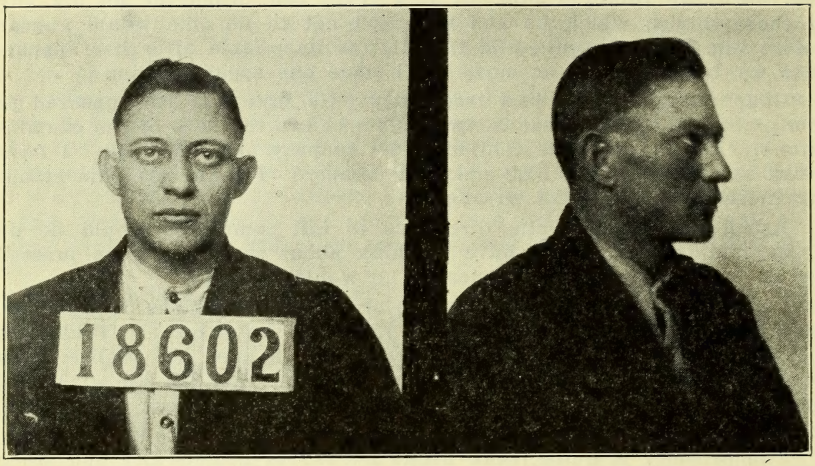
"Asked if God gave him directions to kill somebody, would he do it, he said that he would have to think about that, but when pressed for an answer said that he guessed he would have to.

"There is also some evidence of the presence of delusions of grandeur. Although the prisoner cannot read, yet when he takes the Bible and looks at it God 'gives it to him directly.' He does not realize, even when the question is definitely raised for him, that his knowledge of the Bible has come through what he has heard others read and preach, but feels that he is given it by God because of his earnest desire for it.

"The prisoner is quite frank about his sexual promiscuity and when asked how he can do such things and still be a Christian, he says that the Bible says that man was made for God's glory and woman was made for man's glory and 'that is the only glory I had.' He sees absolutely nothing wrong or incompatible in his claiming to be especially favored of God and his grossly immoral conduct.

"The prisoner claims that he married his wife, who, he says, had been sexually promiscuous, because he had promised to if he got her in trouble. So, when she became pregnant he married her. He thinks that his wife was later untrue to him and got the co-defendant in the trial to come and room in their home. He says that he saw them have intercourse but did nothing about it because he had moved his family to South Carolina and needed to make enough money to pay for that and to give him a chance to get away from his wife. He says that on the morning of February 8, 1826, he found himself in prison; that he had no recollection between six o'clock the previous night and three o'clock that morning, and he believes that his wife and the co-defendant poisoned him."

CASE E



Prisoner: White. b. Wilkes County, N. C., May 9, 1895
Charge: First Degree Murder
Sentence: 20 to 30 Years, Second Degree Murder
Present Location: State Prison, Solitary Confinement
Mental Diagnosis: Chronological Age: 33 Years
Mental Age: 10 Years, 4 Months
Intelligence Quotient: 65.

Physical Characteristics:

The prisoner is five feet, 11 inches in height, and weighs about 160 pounds. His left arm was amputated at the wrist because the hand was hurt in a railroad accident. In this accident his left foot also was crushed and the arch somewhat deformed. He is 33 years old, having been born in Wilkes County, N. C., on May 9, 1895.

He is rather pale, but his general appearance is that of a neat, healthy, rather well-built man. His posture is good. His fine hair is rather dry, his eyes prominent and large with sclera showing underneath the iris when he looks forward. His pupils do not react to light, but react properly to accommodation. His eye movements are good. Both knee jerks are absent even on reinforcement. There is a slight uneasiness of gait. He claims to have some sharp pains in the right side and over the heart at times. There is a slight tendency toward paretic speech. Wassermann tests taken in other institutions are said to be negative. (See concluding remarks.)

Up to the time of his railroad accident, as far as he knows, he "was never sick a day in my life". Since the accident he has been well until recently when he says he has felt the confinement of the prison, being nervous and excited, having pains in his chest and very frequent bleeding from the nose.

Family History:

His paternal grandparents were born in the county of his birth. They never got into any trouble. Neither did their children, the prisoner's

father and his father's three brothers and one sister. There was nothing peculiar or abnormal about any of them, as far as is known.

His maternal grandparents, of Dutch extraction, were residents of North Carolina for years, but it is uncertain whether they were born in this State, although the probability is that they were. Nothing abnormal is known of them. They had four daughters and two sons who apparently were normal. All were farmers except one who was in the nardware business.

All of the prisoner's grandparents are dead, his maternal grandmother having died of cancer.

The prisoner's mother was born in a mountain county of North Carolina, and is still alive and well. His father also was born in this State and was about 45 years old when he died of typhoid fever.

The prisoner is the third child in the family, and apparently had a normal birth. There were three boys and two girls. One brother died of influenza. Another brother is in business in a nearby city, and a third, who is living in West Virginia, is married and supporting his family. Both sisters are married, and one of them has two children. Both sisters are well.

As far as the prisoner knows, none of his first cousins have gotten into trouble, although the first cousins on his father's side were thought to be high-tempered and high-strung.

There is no epilepsy, tuberculosis, or serious alcoholism in the family, nor were there any deformed or feeble-minded children. The members of the family were hard-working people none of whom were distinguished in any way.

Early Home Conditions:

The prisoner's father and mother, who were in fairly good circumstances, lived on a farm where he lived until he was eight years old. He states that his father died when he was very young, and about a year afterwards his mother "took up" with a married man, by whom she had two illegitimate children. He claims that he and the younger children were neglected and allowed to run wild and do what they chose. Still, he has always had love for his mother, and since she has grown older, he has protected her and provided for her when he could. He says that he feels no resentment toward her.

When he was eight years old he went to West Virginia where he stayed part of the time with an uncle and part with a family notorious for feuds. He helped these mountaineers make whiskey, going back and forth from their place to his uncle's home. While he was in West Virginia he went to school irregularly, reaching the sixth grade, but he learned how to gamble and shoot a gun. The mountaineers' stories of adventure and their feuds excited his imagination. Several times he carried ammunition or guns and was present when feuds were active. He enjoyed excitement and adventure and as a child never showed personal fear. He became rather the pet of these mountaineers.

At the age of 13 he went back home, but wanted to leave. However, his mother wished him to stay, and notified the railroad authorities not to take him when he applied for a job as call boy. He attempted to get away from home on a bicycle which he had stolen, but was arrested before he had gone far, and was tried, reprimanded and sent back home.

As a boy he was never much of a reader, although he preferred Western stories. He lived out-of-doors, playing ball and boxing, and was sociable with other children of both sexes. He also liked rambling by himself in the woods, examining reptiles, birds' nests and wild flowers. He was not fond of movies or shows and danced only moderately. He liked

music and played on the violin, banjo and other instruments, but never had any musical training. He was fond of hunting, but not fishing.

Education:

The prisoner started to school when he was about seven years old, and went irregularly until he was about 15, having had altogether only about three years of schooling. He frequently played truant, but never had any trouble with the teachers or with the other school children. He thinks that, all things considered, he did fairly well in his classes. Once he hit a male teacher on the head with a slate for severely punishing his younger brother.

Occupations:

He worked as call boy and fireman on the railroad for six years, stopping because of the accident in which he lost his left hand. His salary for his railroad work was from $125.00 to $150.00 a month. His only other occupation has been rum-running for periods of a few months at a time. He says that he has made as much as $3,600.00 a week for himself by hauling whiskey. Most of this money was made in the winter.

He has had considerable money at times and was a free spender. He got about $7,000.00 from his accident. He showed marked wanderlust, and took about eight trips from coast to coast, usually in an automobile and sometimes carrying members of his family. Sometimes he travelled in style and comfort, stopping at first-class hotels and spending, on an average, $40.00 a day. At other times, as a fugitive from justice, he beat his way as best he could, although he never really hoboed or associated with tramps.

He says that he bought and paid for a home in West Virginia for his mother which cost $9,000.00. He has never carried regular life insurance, and has not saved anything. At his last trial he did not have even money enough to pay his lawyer, as he had just come from a Western trip on which he had spent all he had.

Previous Arrests:

The prisoner's first offense was stealing a bicycle when he was 13 years old. For this he was arrested, reprimanded and sent home. His second offense was breaking into a hardware store and stealing some knives when he was 14 years old. For this he was sentenced to serve six months on the chaingang in an adjoining county, but because he was so young he was sent home.

When he was 19 years old he served his first prison sentence for seduction in the Virginia Penitentiary. He served his second, for two years, in the Tennessee State Prison for stealing an automobile. At the trial at which he was convicted of this he was also charged with shooting two Negro men, but was acquitted. His third incarceration was in the West Virginia State Prison for selling an automobile before he had paid for it; and his last is for murder in North Carolina.

He has made nine escapes from State prisons, all since he lost his left hand. He escaped from the Virginia Penitentiary, was out for about a year, was recaptured and taken back, and escaped again. He went to Tennessee where he was convicted of stealing an automobile and sent to the Tennessee State Prison. In two months he escaped from there, but was captured in North Carolina and taken back. In 12 months he escaped again, and went to West Virginia where he was arrested on an old charge of selling an automobile before he had paid for it. Sentenced to the West Virginia Penitentiary for five years, he escaped after five months. This time he was free for six months, during which

time he came back to North Carolina and hauled whiskey until he was re-arrested and returned to Virginia. He says he was pardoned from the Virginia and West Virginia Penitentiaries to go back to Tennessee where he served all but 30 days of his sentence and escaped again. He then went West for about 15 months. Here he wandered about as a fugitive from justice without being arrested, he says.

Since he has been in the North Carolina State Prison he has escaped three times. Each time he was re-captured.

Marital Record:

His first marriage was to a girl in West Virginia when he was about 19 years old and the girl about 17. He says they were married with the consent of her family. After his marriage, a girl in Virginia had him arrested for seduction and on her charge he was convicted and sent to the Virginia State Prison. He says that he had had no relations with her, and was not the father of her child. While he was in prison his wife got a divorce, having had one child by him.

His second marriage also was in West Virginia, when he was about 22 years old and the girl not quite 17. In this case they married without the consent of her family. One child was born to them. This wife also got a divorce from him while he was in prison.

He has not been married since, but when he was about 25 years old he "took up" with another girl, 18 years old, who lived with him as his mistress until his present imprisonment. She was a sister of his brother's wife and he had known her since she was a small child. By her he had two chldren. Since he has been in the North Carolina State Prison she has left him and has married another man who the prisoner does not consider good enough for her, although the man appears to have made her an ordinarily good husband. The prisoner has no resentment toward either of them.

He has kept up with his four children, two legitimate and two illegitimate, one boy and three girls, all of whom appear to be normal. His legitimate children are with his brother in a North Carolina town; and his illegitimate ones with the people of his former mistress. The oldest child has just reached school age.

The prisoner began at five or six years of age to have what sex relations he could with little girls in the neighborhood, and when he was 16 years old he had relations with a woman 10 or 15 years older than he. He has always been hypersexed and has always had a wife or a "woman".

Habits, Characteristics and Reputation:

The prisoner smokes very moderately, but uses tobacco in no other form, and has never used narcotics or drugs, although at times he sold narcotics. Since boyhood he has been accustomed to about four drinks of liquor a day, but he says that he has never been really drunk in his life. He had a habit of gambling, especially with cards, often playing for high stakes.

He states that he has always been conscientious about keeping a promise and that he has always had qualms of conscience when he did anything wrong. He feels that if he had a real chance to lead a Christian life he would do so, although he has no religious affiliations or experiences. His mother and father were members of the Baptist denomination. He says that he believes in God and has respect for religious matters.

He is easily touched by other people who have gotten into trouble and says he has always felt a willingness to help them out. He has

no general resentment toward people, circumstances or institutions with which he has come in contact, although he thinks he is confined unnecessarily at present.

Except for his escapes, he has never been reported for an offense in any institution. He gets along well with prisoners and guards, and although he is sensitive and has flashes of temper, they are over in a moment and he is generally sociable and good-natured. He has never had a fight in prison. In none of his escapes has he hit, tied or injured a guard. According to the prisoner, he might have escaped permanently except for the fact that he would always come back home to see either his mother or his children. He had a "sense" that he could not keep away from his people. Once when his brother's house was surrounded, he slipped in between the guards to see his children, spent an hour or two, and then got away again. He says that he left the Virginia Penitentiary because the authorities were very strict and he was afraid of the guards and of whipping and other treatment. He considers that he did not have the nerve to stand the imprisonment and therefore, had to get away. He seems to have derived no satisfaction, pleasure or elation from his various escapes.

The prisoner is rather histrionic but shows some finesse. He walks into an audience with a somewhat self-important air, seems perfectly at ease, talks frankly, does not show any unusual emotional reaction, is neat in his appearance, keeps his hair nicely brushed, his hands clean and his dress neat. He talks rather loudly, using incorrect English, but trying to use impressive words and phrases.

He is proud of his muscular development and appears to like to talk about his exploits, making himself the hero of each of them, and expressing altruistic ideas. He has written a short autobiography in the front of which is his photograph. In fact he has had his picture taken many times, and has been particular as to which one was given to the newspapers. He seems to like newspaper publicity, although he says that the reporters always get the events wrong and that it hurts his pride for things to come out in the papers about him. He feels that the newspapers have given him "an awful unjust deal" and have made him a sinister character, publishing untruths about him and giving street rumors as fact.

He declares that he values human life and would be the last person to take it. He shows an intimate knowledge of the underworld and of the frailties of women, and likes to talk about both. He shows no embarrassment about anything, except that he did not want to talk about his mother's immorality in the presence of several people. His idea is that the whole cause of his trouble is due to her conduct when he was young, and that the history of his case and the pamphlet on his life will lead others to live better lives; that if he can save one out of 100 people, it will be well worth while.

Story of the Crime Charged:

The prisoner came back to North Carolina to see his boy, and while here was arrested on the charge of the murder of a pawn-broker. He says that he had pawned a watch with this man, and when he went to redeem it, the pawn-broker told him to come again and he would look into the matter. When he returned, according to his story, the man refused to give him the watch or the money and said he had no record of it. However, record of this loan was afterward found, and the watch was also found in the store and returned to the prisoner.

An altercation took place in which the prisoner struck the pawn-broker over the head with the barrel of a pistol, which discharged, making a

wound in the pawn-broker's shoulder. Thinking he had made a scalp wound, the prisoner left. The pawn-broker subsequently died. Realizing that the police were after him, the prisoner went to West Virginia where he was arrested on the 11th of November, 1923. He was indicted for first degree murder, tried and convicted of second degree murder and sentenced to the North Carolina State Prison for 30 years. He escaped, but was recaptured within two days; was in prison for about 20 months, escaped again, was out two weeks, and was again recaptured in North Carolina. In about a year he escaped the third time and was free three months. He was recaptured in Indiana and was brought back to the North Carolina Penitentiary where he has been ever since.

Mental Condition:

The prisoner's basal metabolism is normal and his cooperation good. He has a chronological age of 33 years and a mental age of 10 years, four months. His intelligence quotient is 65.

He impresses the examiner as being typical of one sort of criminal, with congenitally defective personality make-up. It seems that his mother's conduct is only a partial excuse rather than, as he thinks it, the entire cause of his delinquency. He has a very definite wanderlust; and a Jesse James type of hereditary criminal propensities. He expresses himself as being entirely fearless—and the examiner believes he is—and in emergencies he is evidently cool, quick and shrewd. His intelligence under tense situations must be far above the average, and his chief mental defect is shown in poor development of judgment, as, for instance, when he escaped from the Tennessee Penitentiary with only 30 more days to serve. He does not appear to be controlled by impelling impulses when he escapes from prison or when he is committing crimes. He has calculated his escapes and planned them well, but again shows poor judgment in not covering his tracks when he is free, and in coming back to his own county in North Carolina.

He seems to have genuine affection for his children and possibly for his mother, but no particular affection for any of the women he has associated with or for his brothers and sisters. He has ideas of reform which are altruistic rather than religious and which, in the opinion of the examiner, are part of his general pose. He seems to be unmoral and unsocial rather than immoral and anti-social, and these characteristics, it is believed, developed partly out of his native endowment and partly out of his environmental influences. He is an extrovert of a pronounced type, and is willing to make any decision, take any chance, or do anything the occasion requires, on a moment's notice. He expresses sorrow for having done wrong immediately afterwards, but this remorse, if it may be called remorse, quickly leaves him and he will do the same thing or something worse upon the next occasion. He seems to have no persecutory ideas and is not paranoid in type. If one had to be bound by a definite psychiatric opinion, he might be put down as a mild hypomaniac.

Another interesting feature of this case is his physical examination. He undoubtedly has definite signs of early locomotor ataxia, and some difficulty in pronouncing test sentences, which would indicate the pos-

sible onset of paresis. Blood Wassermanns have been done in other institutions, and are said to be negative. None has been done here. It is the examiner's opinion that a blood Wassermann would be positive, and that the cell count and other elements, and the colloidal gold curve would show spinal syphilis. This cerebral spinal syphilis, however, would be, in the examiner's opinion, the result rather than the cause of the life the prisoner has led.

(For most of the data included in this case history the N. C. State Board of Charities and Public Welfare is indebted to Dr. Beverley Tucker of Richmond, Virginia.)

CASE F



Prisoner: White. b. North Carolina, March 2, 1907
Charge: First Degree Murder
Sentence: 20 to 30 Years, Second Degree Murder
Present Location: State Prison, Incorrigible Camp
Mental Diagnosis: Chronological Age: 21 Years
Mental Age: 13 Years, 4 Months
Intelligence Quotient: 83

Physical Characteristics:

The prisoner is mediumly well-built, with long neck, rather heavy growth of light hair, deep-set blue eyes in a long, narrow face, narrow head with long fronto-occipital diameter, good color and good complexion. He looks somewhat fatigued. He has cylindrical fingers, but no other peculiarities are to be noted in his shape. His reflexes are all actively normal. His pulse was slightly accelerated and his face flushed. but he has no tremors, exophthalmos or other sign of goiter. His thyroid is normal. His teeth are well-developed, regular and in good condition. His palate and throat appear normal. He eats and sleeps well. He is 21 years old, having been born March 2, 1907.

Family History:

Very little is known about his family. No one seems to know anything about his grandparents. His father died when the prisoner was an infant, and he knows nothing more about him than this. His mother, who died when he was 12 years old, is said to have been a chronic epileptic who had been married three times and had two sets of children placed in an orphanage. She is described as "a good-looking woman and seemed to be of the marriageable sort". After the prisoner's commitment to the orphanage at the age of seven, he never saw his mother alive again. As far as he knows, she was good to him, and was a good woman. He does not know that she is supposed to have had convulsions.

His father and mother had six children of whom the prisoner is the youngest. Two brothers and one sister had been put in an orphanage before he was placed there. His sister and four brothers are all living. They do not come to seem him in prison but have written to him. His sister is married and has three or four children. The prisoner thinks that his eldest brother has not gotten into any trouble. His next brother served four years in the penitentiary for automobile theft. The prisoner knows nothing more about him; neither does he know anything about the brother next in age. The one just older than himself was a traveling salesman when last heard from. The first two brothers are married. So far as the prisoner knows, none of them have any diseases.

Early Home Conditions:

The prisoner lived with his widowed mother, sister and four brothers until he was seven years old when he was committed to an orphanage. He says that his mother made a home for them up until that time, and took care of her children. He thinks she cared for him properly.

He ran away from the orphanage several times, and was returned, leaving permanently when he was 15 years old, when he ran away and the superintendent would not take him back. He thinks now that the orphanage authorities treated him well, although he did not think so at the time.

At the orphanage he was on the baseball team and played most of the usual games. He says that he was sociable, had no special enemies, and was treated all right by the other children. However, he had a few fights. He went to church and Sunday school because he had to, but was never really interested in religion.

Education:

He attended the orphanage school regularly through the seventh grade. He had considerable difficulty with arithmetic and "hated it". He thinks he did pretty well at school.

Occupations:

After he left the orphanage, he spent most of his time hoboing from place to place. Three months was the longest time he worked anywhere, when he was employed in a hardware store in Philadelphia. He does not know any trade, and has never saved any money.

During a period of escape from prison he worked in two dairies, for a few weeks in each.

Previous Arrests:

He had never been arrested before the crime for which he was sentenced, although when he ran away from the orphanage with another boy he was picked up and carried to a county detention home for a week or two. Then he was taken to the county welfare department and made an appointment to return the next morning, but ran away.

Marital Record:

The prisoner is unmarried. He says he had no illicit sexual relations until after he left the orphanage. The first time he had them was in a house of prostitution in Pensacola, Florida, and later when he hoboed he had them from time to time.

Habits, Characteristics and Reputation:

The prisoner smokes moderately since he has been in prison. He never drank to excess, and not at all until his escape from the State

Prison Farm. He has never used cocaine or morphine, and he does not gamble. Occasionally he has frightening dreams, but most of his dreams make no impression.

Since he left the orphanage he has attended neither church nor Sunday school. He believes in God and sometimes "studies about" whether he will be forgiven. He thinks life has treated him fairly, but says he does not know whether he has treated life fairly.

When sitting, the prisoner has a habit of holding his head toward the left shoulder. During the examination he was a little restless, with tendency to slide forward in his chair. He answered questions at times with a degree of reticence, and at others with frankness. He appears to be somewhat reserved, rather sensitive and ill at ease, and seemed to be feigning indifference. He would flush at times, rub his eyes, run his hands through his hair, and squirm in his chair. He does not seem to be particularly ashamed of his habits of life, nor resentful of his fate. He says that he does not think that, if given the opportunity, he would try to escape again as he did from the State Prison Farm, although "one never could tell in this kind of life". He seems to have no affection for anyone except his sister. She has written to him and sent him things. He realizes that she would have done more for him except for the fact that she cannot afford to, as she has three children.

The prisoner expresses no delusions or hallucinations. He impresses one as being a repressed, emotional type with a distinct hobo tendency. His psychopathic inferiority is shown chiefly by his non-conformity to the life of the orphanage and the prison. His hobo tendencies and sexual and other dreams give the impression that he is nervously unstable. He says that at times he becomes so nervous that he "has to stop everything and sit down".

Story of the Crime Charged:

In January, 1923, he was placed by the welfare committee in the home of Mr. A. He worked on Mr. A's farm at one thing and another for five weeks. He then discovered that Mrs. A, a middle-aged woman, had some money in a safe in the house, and he wanted to get it. He states, however, that she had been good to him. One day he went in the house from work at about nine o'clock in the morning with the intention of getting this money. The safe was in the sitting-room and he found Mrs. A in this room sitting by the fireplace. He told her to open the safe, but she refused to do so. Then he drew a pistol, which he had taken out of one of the drawers a few days before, and told her that she had better open the safe, or he would shoot. Mrs. A told him she would not do it. Whereupon, he argued with her, shot her once, and threw the pistol down. As the safe had not been opened, he did not get the money, but ran and unhitched the horse and rode away. He left the horse in a wood, and went on from there to Greensboro. He did not see anyone he knew, but boarded a freight train and went to Charlotte. Here he stayed for a day or two, and then hoboed to various places in the country, among them Philadelphia where he worked in a hardware store.

After about nine months he came back to North Carolina and went to his sister's home where he was arrested. He was convicted of second degree murder and sentenced to from 20 to 30 years imprisonment. He was first charged with first degree murder, and it was only through testimony as to his mental condition that he was saved from a sentence of death.

He escaped from the North Carolina State Prison Farm while working in a sand-pit. He saw an opportunity to escape and got out of the

pit and ran. He was free a little over six months, and then gave himself up to the authorities in New York, and was brought back. He says he thought he would come back and work his time out, rather than be a fugitive dodging the officers.

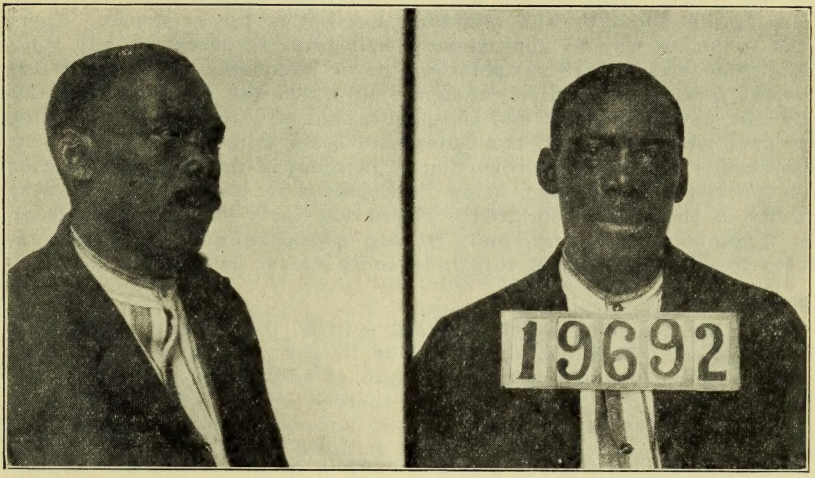
Mental Condition:

The prisoner will be 21 years old on the second day of March. His mental age is 13 years and four months, and his intelligence quotient 83.

This prisoner seems to have an hereditary defect, shown by his mother's epilepsy, his father's inability to support the family properly; and the fact that his brother was a thief. He was put in an orphanage where he could not conform and from which he frequently ran away. As soon as he got outside he led the life of a hobo. He has never been subject to many bad habits, but showed some schizoid tendencies and lack of emotion when telling about the murder he committed. He did, however, show some emotion about minor things. He appears to have forgotten a good deal that he learned at school. The examiner's impression is that he has a defective hereditary, and is a case of constitutional psychopathic inferiority with criminalistic tendencies, who would probably have developed into much the same type of person and have had somewhat the same career, even if he had not been reared in an orphanage.

(For most of the data included in this case history the N. C. State Board of Charities and Public Welfare is indebted to Dr. Beverley Tucker of Richmond, Virginia.)

CASE G



Prisoner: Negro. b. Lancaster, S. C., 1884
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Died of Pulmonary Tuberculosis at the N. C. State Prison, March 7, 1927
Mental Diagnosis: Feebleminded
Chronological Age: 43 Years (1927)
Mental Age: 9 Years, 2 Months
Intelligence Quotient: 57

Physical Characteristics:

The prisoner was of medium build, rather thick-set, five feet, seven inches in height; weighing 145 pounds. He had rough, dark brown skin, brown eyes, and pronounced Negroid features, particularly nose and lips. His head was set down between the shoulders and he was inclined to walk in a stooped position. From appearance he seemed to be of ordinary intelligence. He was 43 years old, having been born in Lancaster, S. C., in 1884.

Physical examination upon his admission to the State Prison, October 14, 1925, showed him to be in good health, except for the presence of bad teeth and an enlarged and accentuated heart.

Family History:

His grandparents and parents were natives of Lancaster County, South Carolina. His mother lived to be 95 years of age, while his father died at the age of 100. His father's parents died "of old age." All of the prisoner's grand-parents were slaves. Two of the prisoner's sisters died from dropsy and one brother of typhoid fever. There is one recorded case of insanity in the family, that of a maternal aunt.

Early Home Conditions:

Throughout the prisoner's childhood, his family occupied a one-story frame dwelling which was in very bad condition. There were 11 occu-

pants of this four-room shack, and it was here that his brother and his two sisters died. The lack of sanitary home conditions, due to ignorance and poverty, helped to prevent the development of normal family life with the simple comforts that good rural homes usually possess.

His family had only the minimum necessities for existence. There seems to be no way to approximate their total resources at any time. The income was always variable and never adequate. The father was a tenant farmer and rented the house in which the prisoner spent his early life, paying for rent one 500-pound bale of cotton a year. As the boys grew older, however, two 500-pound bales were required annually. Subsequently there was a proportionate increase in the amount of cotton paid for rent, the amount being determined by the age and earning capacity of the several children. The father early encountered difficulties of economic pressure, and, lacking education and initiative, was unable to engineer himself into independent farm ownership.

Education:

Except for his being taught to read a little, the prisoner's education was neglected. This, perhaps, was due in part to the general apathy of the community and the poor educational advantages and inadequate school facilities provided for Negroes there.

Occupation:

Practically all his life the prisoner lived in or near Lancaster County, South Carolina, which adjoins Union County, North Carolina. Four months before he was charged with murder, he moved across the line into Union County, the home of his paramour and accomplice. He began to work in 1896 for a neighboring farmer, receiving $6.00 a month and food. In 1897 he became a share cropper, and until 1899, under this system, he received two bales of cotton a year. For the next five years (1899-1904) he received two-fifths of the entire crop raised. During the succeeding years, he continued this type of farming, his share annually increasing, until in 1925 it amounted to $400.00. All of his share crop farming, like that of his father, was done for white landlords, but both hoped ultimately to assume personal ownership of the land they worked.

Marital Record:

He had been married twice, and was living with his second wife at the time of his arrest. Before and after marriage he maintained relations with various women. Three children were born to him, one of this number illegitimate. At his trial it developed that on at least one occasion the woman involved with him in the murder stayed all night at his home, occupying the same bed with him, his wife, and her child, which was not regarded as questionable either by the prisoner or his wife.

Habits, Characteristics and Reputation:

He personified the "Uncle Tom" type of Negro with other characteristics typical of a present-day middle-aged Negro who had been denied opportunity for development. In many ways, he was a productive and useful citizen of his community, and was a type of leader in its religious and civic activities. He was an active member of the African Methodist Episcopal Zion Church, and served for a number of years as a "class leader" chosen by his fellow-members. His prison record was good and he consistently maintained a grade of B. He insisted upon his claim to good character, and his extra-marital relations with women were the only factor which seriously impaired his position. His irregular sex life seems to have been unknown in the community in which he lived, or, if it were known, it did not have any effect upon his reputation, for

at his trial, several white and Negro citizens of standing attested his good character, and many leading white citizens, including the Sheriff and a member of the Board of County Commissioners, testified to the same in asking the Governor to commute his sentence.

Story of the Crime Charged:

For about two years prior to the murder of the husband of his paramour, the prisoner and the woman had known each other, and although both were married, they began "going together". The crisis between the prisoner and his victim came with an argument over their relative ability to conjure and "work roots". The woman, the prisoner and the husband were returning home from a visit to town. On a lonely road, the woman fell behind, thus permitting the prisoner and the husband to talk freely with each other. According to the prisoner's statement, they both were in good humor, and were talking about their mutual acquaintances, which led up to the following dialogue:

Husband: "Some niggers call themselves so dam' smart!"

Prisoner: "You needn't think that 'cause you can work roots nobody can work roots but you."

Husband: "I got you now!"

With these words, according to the prisoner, the husband struck him across the head with a stick which he had been carrying. This frightened the prisoner and as the man tried to strike again, he grabbed the stick, which broke, and both men reached into their pockets for their knives. The prisoner succeeded in extracting his knife first, and began cutting the other man's throat. According to the testimony of a physician who examined the body, death was almost instantaneous.

The prisoner and the woman together lifted the body, the woman holding the feet and he the shoulders and arms, and carried it to the branch. The prisoner threw away his knife, returned home, told his wife of the crime, and made a fire in which he burned his coat and trousers.

The body was found in the branch Thursday of the following week, and the Sheriff was notified about five o'clock in the afternoon and proceeded to the spot to make an investigation. The Coroner and a doctor came, at the Sheriff's request, and following an examination of the body and an investigation of the scene of the crime which they identified by clots of blood on the honey-suckle bushes along the road, the Sheriff directed the prisoner to assist in the burial of the body. The Sheriff arrested two Negroes who were last seen with the victim at a baseball game on the afternoon of the murder. However, after being questioned, they were released and suspicion fell on the prisoner who was arrested. He implicated the woman who also was promptly arrested. He denied active participation in the murder, but admitted that he was under the "evil influences" of the woman whom he assisted in bearing the body of their victim to the branch.

At the trial the prisoner admitted that one month prior to the murder he had tried to buy some strychnine, saying that the woman's husband gave him 25 cents and requested him to purchase the poison in order that he (the husband) might commit suicide. When the husband had said: "I am just bothered up so I am a mind to kill myself", the prisoner had replied: "You ought to let another man do that". Later, however, in the testimony the prisoner admitted that the husband wished to use the poison in order to kill another man who had been intimate with his wife, but denied that he intended to assist in the killing, although

he had accepted money for the purchase of the strychnine, thus becoming a potential accomplice.

The woman was sentenced to not less than eight years nor more than ten years in the State Prison, and the prisoner was found guilty of first degree murder and sentenced to death in the electric chair.

Petitions for Clemency:

After the prisoner had been sentenced to die the Governor received several petitions requesting executive clemency. They were of two kinds. The first based the appeal for executive clemency upon the association of the woman with the crime and her light sentence (eight to ten years). Among this type are the following:

"In view of the light sentence meted out to the woman, the prisoner is entitled to a commutation of sentence to life imprisonment."

Clerk of Court.

"The woman seems to be generally understood to have been the cause of the crime, it being contended by the State that she was the motive for the crime. She got off with ten years in the penitentiary, and testified against the defendant. The woman does not always pay. The evidence of premeditation was conflicting".

Attorney at Law.

"Local white opinion was that the woman was as deeply implicated as was the prisoner, and that under the circumstances, he should not be electrocuted."

State's Attorney.

"I want to ask you to commute his sentence as the evidence of premeditation was very doubtful. Furthermore, the woman was undoubtedly the cause of the trouble between the two men".

Sheriff.

"My opinion at the time of the trial and now is that the prisoner is of a very low type mentally, and that he was simply led on step by step by this woman, who wanted to get her husband out of the way. I trust . . . . you will see your way clear to commute this sentence".

Attorney at Law.

The second type of petition was that of persons who testified to the prisoner's past character and reputation.

"Prisoner does not seem to be a bad Negro at heart".

Attorney at Law.

"He has borne a good character always among the people with whom he lived, and has never been in trouble of any kind before this, he has never exhibited any of the qualities of a vicious character."

Sheriff.

"I have known the prisoner for a good many years, he lived on my place for three years, and he was a straight-forward, hard-working darky. He was never in anything of a serious nature until this charge arose. I am convinced that he was led into it by the woman in the case, and I respectfully urge your excellency . . . . considering the prisoner's past and good character . . . . to commute his sentence to life imprisonment".

County Commissioner.

From the jury that heard the case, came the following letter:

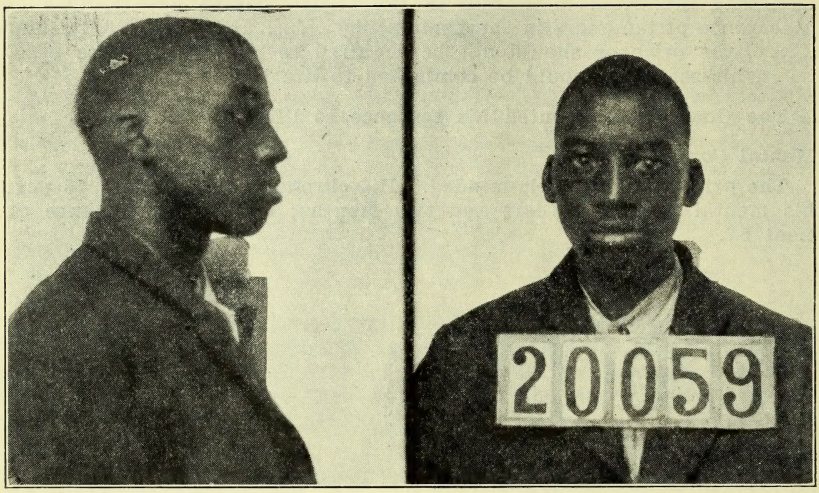
"On account of the fact that the prisoner, before his indictment, was a Negro of good standing, and on account of the fact that the co-defendant, who submitted to murder in the second degree has received only a sentence of ten years in the penitentiary . . . . under the circumstances . . . . the prisoner should not be required to pay the extreme penalty . . . . his sentence should be commuted to life imprisonment".

The Governor commuted his sentence to life imprisonment.

Mental Condition:

The prisoner was feeble-minded. His chronological age was 43 years; his mental age, nine years and two months; and his intelligence quotient 57.

CASE H



Prisoner: Negro. b. Pickens, S. C., July 10, 1909
Charge: Rape
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feeble-minded
Chronological Age: 18 Years (1927)
Mental Age: 8 Years, 6 Months
Intelligence Quotient: 53.

Physical Characteristics:

At the time the crime charged was committed, the prisoner was 17 years old, weighed between 100 and 125 pounds, and was five feet, seven inches in height. His complexion is dark brown; his eyes brown. He was born in Pickens, S. C., on July 10, 1909.

Physical examination showed him to be in very good health, having been ill only twice in his life; once with fever and once with influenza.

Family History:

His mother died when he was quite young and his father is still living at Pickens. There were nine members of his family at his home. His sister, with whom he lived in Asheville, N. C., before his employment at the sanitorium at which he was working when the crime charged was committed, is now living in Charlotte. She is 23 years old, and gives the impression of being a much lower mental type than he. She has been married twice. Her first husband is dead, and she is now living with a man to whom she is not married. She bears a scar on her upper left arm which appears to be a knife wound. She claims this wound was inflicted during play with her second husband.

Early Home Conditions:

The prisoner lived in Pickens, S. C., until one month before his arrest. His home there was one-story frame dwelling with four rooms for which the family paid $3.00 a month rent. Nine members of his family lived here.

Education:

He completed the fifth grade at the age of 17 years. He was good in spelling and geography, but backward in arithmetic. He liked to go to school.

Occupations:

He was employed by several persons in Pickens from time to time, and began by waiting at table at an inn where his wages, including tips, were about $6.50 a week. He worked here for five months, and later was employed as house boy, street laborer, cotton picker, and for a short time he helped his father repair shoes. He had also acted as nurse and companion for several white children in his community. Sometimes he would leave his employer when a particular job was completed, and at other times when he felt that his wages were not high enough. He held his first job as waiter longer than any subsequent one, and he seems to have enjoyed changing employment. At the time of his arrest he was employed at a sanatorium near Asheville. He had been self-supporting for a number of years.

Marital Record:

He is unmarried. At the age of 15 years he began "going with" a Negro girl of the same age. This association continued for about two years. During this time they had sexual relations.

Habits, Characteristics and Reputation:

He bore a good reputation in his community. Reputable neighbors, among them prominent white citizens, cheerfully testified to his good character. He was considered trustworthy, as shown by the fact that he had been employed as nurse and companion for white children. He had a steady employment record.

Story of the Crime Charged:

He left South Carolina to visit his sister who was then living in a public boarding house in Asheville. Here soon after his arrival he secured employment at a sanatorium for the care of tubercular patients located near the city where he was working at the time of his arrest. The prosecutrix was a married woman about 35 years old, with no children, whose husband at the time the alleged offense was committed was engaged in carpenter work on a house about a mile from the scene of the crime. For some time she had been selling flowers at the nearby cottages, hospitals and sanatoria.

On the morning the offense was committed she had made the rounds at the sanatorium where the prisoner was employed. She said that she had finished her sales there and was on her way to her home when she claims she was assaulted. She did not fix the exact time of the alleged assault, but she claims to have left the sanatorium about eight o'clock. She stated that at a bend in the road about a mile and a quarter from the hospital a Negro approached her and passed by, then turned back and immediately assaulted her.

The prosecutrix stated further that soon after she had been assaulted she went to the home of Mr. A, about a quarter of a mile away; that she knew Mr. A and the members of his family, having formerly been a caretaker of his premises. About 15 minutes after she arrived at A's house she gave a detailed statement of how the crime was committed to Mr. A in the presence of Mr. B and a deputy sheriff. Asked to describe her assailant, she said that "the Negro was about 35 years old, was a rather large yellow Negro with a blue shirt, yellow trousers and a felt hat". Asked if she had ever seen her assailant before she said,

"No, he is a stranger". Messrs. A and B said that she was perfectly rational when she made these statements, and the Deputy Sheriff who was present made a memorandum of it. For some reason, at the trial the State did not put either A, B, or the Deputy Sheriff on the witness stand, although the two former were subpoenaed as witnesses for the State.

In the afternoon of the same day the prosecutrix described her assailant to the Sheriff of Buncombe County as follows: "He was a colored man who had on a rather light pair of pants; they were not overall goods, nor fine goods, just a pair of work pants". Late in the afternoon of the day of the assault, the prisoner who for several weeks had been employed at the sanatorium where that morning the woman had sold flowers was arrested and brought before the prosecutrix, whereupon she stated that he was her assailant. At that time the prisoner was a young Negro boy about 17 years old, five feet, seven inches in height, who weighed between 100 and 125 pounds and was of very dark complexion. After many months of close confinement in prison he may be described as of a dark chocolate color.

There was no other material evidence offered by the State in corroboration of the prosecutrix's identification of the prisoner as the Negro who assaulted her.

Incidents of the Trial:

Immediately after the prisoner was charged with the crime he was taken from Asheville and confined in the Charlotte jail, and was brought back to Buncombe County for trial on the morning the court convened. As he was unable to employ counsel, the court assigned a lawyer to appear for him, but this was not done until the late afternoon of the day prior to the beginning of the trial and after arraignment of the prisoner and the drawing of the venire. His appointed counsel was assisted in the trial by a lawyer from the home of the prisoner in South Carolina, who volunteered to help on account of his acquaintance with the prisoner from childhood.

At the beginning of the trial counsel for the prisoner made a motion for continuance in order to enable them to make investigation and to examine the material witnesses. This motion, in the discretion of the court, was declined. At the trial the prisoner denied the crime and stated that he was at the sanatorium at the time the offense was committed and had remained there until three o'clock that day, offering the testimony of the house superintendent of the sanatorium, a trained nurse and others, tending to corroborate this statement. The evidence also disclosed the fact that he left the sanatorium by permission of the superintendent about three o'clock on the day the offense was committed; that prior to that time he had been constantly engaged in the performance of his duties and that he returned to the sanatorium about five o'clock in the afternoon and was then arrested.

The jury was composed, in general, of men of high character and more than ordinary intelligence. After considerable deliberation they returned a verdict of guilty.

Governor's Statement in Commutation:

The following statement made by Governor McLean commuting the prisoner's sentence from death to life imprisonment is quoted in full because of its importance in showing a phase of the administration of justice in capital cases.

"It is clear that the counsel for the prisoner had insufficient time to make a thorough examination into the evidence and to learn the

names and whereabouts of all the witnesses whose testimony might benefit the prisoner. Neither did the court nor the counsel for the prisoner have any knowledge that there were persons other than those who had been subpoenaed who could give evidence throwing light upon the case.

"A very careful examination of all the evidence produced upon the trial, including the depositions, convinces me that the jury had evidence upon which they could predicate a verdict of guilty. In this connection, however, I may say that the apparent unnatural conduct of the prosecutrix at and about the time the offense was committed, her contradictory statements in her description of the prisoner at various times and other facts and circumstances might very well have raised a reasonable doubt in the minds of the jury as to the guilt of the prisoner.

"New evidence not presented at the trial and which could not, under the circumstances, have been presented at the trial, has been presented to me as ground for the exercise of executive clemency. This evidence in substance is as follows:

"Mr. A, whose testimony has heretofore been referred to and who was summoned by the State, was not examined by the State, but was examined by counsel for the prisoner, in an affidavit filed with me says: that he did not give all the facts in detail within his knowledge when examined at the trial because he was asked very few questions and he did not at that time know the importance of the evidence and had no opportunity to discuss the matter in detail with prisoner's counsel at the time he was examined. In his affidavit filed with me he gives in detail all the facts and circumstances, particularly the statements made to him by the prosecutrix immediately after the offense was committed and the further statement that Mr. B, a gentleman of high character, was present and heard the prosecutrix's statement. I do not deem it necessary to quote all of Mr. A's statement here, but the affidavit is on file and it is sufficient to say that it discloses a state of facts which in many particulars strongly contradicts the statements of the prosecutrix, the effect of which is much stronger than the testimony which she gave upon the trial.

"The affidavit of Mr. B, who was with A at the time the prosecutrix made the statement which is before me in every respect, corroborates A's statement and many material facts contradict the statement of the prosecutrix. Mr. B was not subpoenaed as a witness at the trial and his evidence therefore is entirely new evidence.

"Diligent enquiry as to the character and reliability of Messrs. A and B discloses the fact that they are not only men of the highest character but of unusual intelligence. It may be said here that both of them, after being cognizant of all the facts unqualifiedly recommended commutation of the prisoner's sentence, although they assert that they are in favor of capital punishment in cases of this kind where evidence as to the guilt of the prisoner is conclusive.

"The memorandum which the Deputy Sheriff took down at the time of the conversation with the prosecutrix in the presence of A and B in all material respects corroborates A and B. It is worthy of note here that the State did not use the testimony of the Deputy Sheriff or the memorandum at the trial.

"Doctors C and D, who made the examination of the prosecutrix soon after her arrival at the hospital where she was treated, and to whom the prosecutrix described her assailant, strongly contradict the testimony which she gave upon the stand. Both of these physicians were well acquainted with the prosecutrix. Neither of these gentlemen were either subpoenaed or examined at the trial and the facts within their knowledge were not known to the counsel for the prisoner. Both of them in

addition to their statement of the facts in their knowledge have strongly urged the commutation of the sentence of the prisoner for the reason that they believe that there is too much doubt about his guilt to allow the death penalty to be inflicted. Doctors C and D are of the highest standing both professionally and personally.

"There have been presented to me also affidavits of E, a patient at the sanatorium at the time the offense was committed, who saw both the prisoner and the prosecutrix at the sanatorium on the morning the crime was committed; Mrs. F, a patient at the same institution who saw the prosecutrix at the sanatorium this morning; the affidavit of Miss G, another patient at the sanatorium who saw the prosecutrix that morning; the affidavit of Miss H, a nurse at the sanatorium who saw the prosecutrix at the sanatorium that morning; the affidavit of J, who was a patient at the sanatorium and was well acquainted with the prosecutrix, who saw the prosecutrix at the sanatorium that morning; the affidavit of Miss K, who was a patient at the sanatorium and who saw the prosecutrix that morning and the affidavit of Miss L, a patient at the sanatorium and saw the prosecutrix there that morning. None of these parties were examined at the trial, nor were they subpoenaed for the reason that no one seems to have known at that time that they had any information bearing upon the case. Their affidavits tend strongly to contradict the prosecutrix as to the time she says she left the sanatorium and to corroborate the alibi of the defendant.

"Six of the jurors who tried the case requested me to commute the sentence of the prisoner to life imprisonment as follows:

" 'The members of the jury who convicted the prisoner are writing you that evidence which was not presented to the jury and which was not known was available has been presented to us and it is such as to raise a reasonable doubt in our minds as to his guilt. We believe a commutation of his sentence pending future developments looking to the establishment of his innocence would be satisfactory to a majority of our people and that such action on your part would better serve the ends of justice'.

"The attorney for the prisoner advises that he has been unable to find the other six jurors and they have made no representations to me.

"About 4,000 of the best citizens, both men and women, in Asheville and Buncombe County, have either written me or signed petitions asking me for the death penalty not to be inflicted in this case because of the doubt which they feel as to the guilt of the prisoner.

"While I do not feel that mere public sentiment as expressed in the letters and petitions should control me in this or any other case; yet, on account of the spontaneous and overwhelming character of the appeals for clemency which have come to me from so large a number of the best citizenry of Buncombe County, I have felt that this taken with other material matters in the case have imposed upon me the duty of a thorough investigation.

"Mr. M, an attorney who assisted the Solicitor in the prosecution has made a strong appeal to me for clemency which I quote as follows:

" 'The evidence in this case, in my opinion, was far from convincing. We, as the prosecution, had very little more than the direct testimony of the attacked woman, while the defense had disinterested white people accounting for the little Negro's acts before the crime was committed, at the time of it, and afterwards. If their testimony is to be believed, it was impossible for the little Negro to have committed the act of which he was accused, by reason of the fact that he did not have time to do all that he was accused of. I was very doubtful about the case when it went to the jury, but my work was done, and done to the best of my ability'.

"The prisoner had only lived in Asheville about three weeks where he had been employed at the sanatorium and where he had made a good impression upon everyone with whom he came in contact. The most prominent officials and citizens of his home town, Pickens, S. C., have given him a most excellent reputation, saying that he has been employed as a child nurse and companion of children of prominent white families from his childhood and he produced evidence from all the families by whom he had been employed to the effect that he had never been guilty of any misconduct of any kind and that his attitude towards women and children had been most respectful and deferential. I have also been impressed in going over the case with the deep-seated interest which the white citizens of Asheville and Buncombe County have taken in this case. The appeals to me have not been made by members of the prisoner's own race but by disinterested intelligent white men and women of the highest character and standing. It is inconceivable that all of these citizens should speak with one voice in appealing to me for clemency if it were not for the fact that they earnestly believe the infliction of the death penalty would be a grave injustice under the circumstances of the case.

"This case has given me more concern than any official duty I have had to perform since I became Governor. I believe firmly in the necessity for capital punishment and particularly in cases of rape, but I do not believe in the infliction of capital punishment even in the cases of rape unless it appears that the prisoner upon all evidence disclosed up to the very moment of the execution of the judgment is guilty beyond a reasonable doubt. That is not only the correct principle of law but it is the only principle that satisfies the inner conscience. My task has been the more difficult by the reason of the facts and circumstances which led up to the trial and conviction of the prisoner. I can think of no act more serious than the commission of the crime of rape except the taking of the life of an innocent person either with or without due process of law.

"The Commissioner of Pardons and myself have felt so deeply our responsibility in this case that we determined in the very beginning that no stone should be left unturned in an effort to get at the real truth of the matter not only from the evidence submitted at the trial but upon any material evidence that might be discovered since the trial. For this reason a most thorough investigation of the case has continued for a period of several months. The Commissioner of Pardons at my request went to Asheville and made a thorough examination of the facts and circumstances submitted at the trial as well as the new evidence which has been recently reduced to writing and submitted in the form of affidavits. Every fact and circumstance that would tend to throw light upon the case has been thoroughly investigated. I have conferred personally and at length with the Solicitor who tried the case and with the counsel for the prisoner. At my request the Commissioner of Pardons has conferred fully with the trial Judge. The Judge and Solicitor have made no definite recommendation, putting their failure to do so upon the ground that they tried the case upon the evidence produced at the trial and that they necessarily could not consider the new evidence which has been produced since that time.

"Referring to this phase of the case the trial Judge says in substance: that he feels that the matter under the present conditions is one for the Governor to pass upon in the light of the new evidence submitted and that the action of the Governor whatever it may be, will meet with his entire approval.

"I have received no protests except one from a newspaper man who heard only the evidence presented at the trial.

"If no evidence was submitted to me except that which was presented on the trial I do not feel that I would consider for a moment extending executive clemency because I believe that the jury might have rendered a verdict of either guilty or not guilty as they may have viewed the evidence. The case presented to me is a very different case from that presented to the jury. The new evidence which I have referred to, as six of the jurors say, might have caused them to have returned a different verdict if they had had the benefit of it. On the other hand it may be said that with all the evidence presented a jury might have been justified in returning a verdict of guilty, particularly if they had believed the testimony of the prosecutrix given on the trial and disregarded all the testimony which tended to contradict her and to corroborate the defendant in establishing his alibi.

"In the consideration of applications for executive clemency in criminal cases the Governor occupies a very peculiar position. Under the law and the practice of the courts in civil actions a new trial can be granted by the Supreme Court upon the ground of material evidence discovered after the trial in the lower court. In criminal cases the same rule does not apply. The Supreme Court cannot grant a new trial in a criminal case on newly discovered evidence no matter how strong. There is no recourse, therefore, to the prisoner if he desires to present newly discovered evidence in his own defense but to appeal to the Governor. It is not for me to say, however, that if I had the power to do so I would dispose of the application before me in this case by ordering a new trial upon all of the evidence including that presented at the trial and that which has been discovered since. Not being able to do that I must assume final responsibility.

"After the most diligent and painstaking consideration of all the facts and circumstances presented to me I have concluded that upon all the evidence presented, particularly newly discovered evidence, that the jury might have rendered a verdict of not guilty if the newly discovered evidence had been submitted to them; for that reason I do not believe that the cause of justice would be promoted or that crimes such as the one in this case will be prevented by the infliction of the death penalty. Therefore, I have determined to commute the sentence of the prisoner from death to life imprisonment. It has been urged upon me by some that there should be a full pardon and that any other course than that would be inconsistent. I cannot take that view of the case. If a mistake should be made in this case and the death penalty inflicted upon an innocent man the opportunity to correct the error in the future will have passed. On the other hand, if the death penalty is not inflicted and the prisoner is confined in the State's Prison the real truth may be disclosed in the future and exact justice done. It must be remembered in this connection that the absolute discharge of a man who might be guilty of the crime charged would also be serious. In the final analysis I have not determined that the prisoner is not guilty of anything, but have determined that there is too much doubt in the case as now presented to me to permit the death penalty to be inflicted.

"The sentence of death pronounced upon the prisoner is therefore commuted to imprisonment in the State's Prison for the term of his natural life.

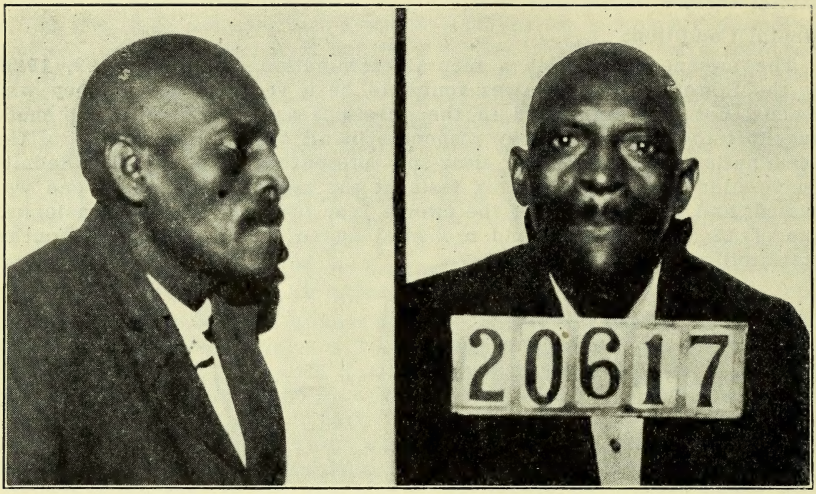
"This, the eighth day of July, 1926."

The facts in this case might be taken to suggest the need of a revision of criminal procedure in regard to the admission of new evidence in capital cases.

Mental Condition:

The prisoner was given a mental examination on January 29, 1926, at the State Prison. He was found to be a very coöperative boy who seemed not only interested in the questions asked him, but who made an effort to give satisfactory responses in all cases. The results of the examination are extremely clear-cut, presenting a picture of definite feeble-mindedness. Of the six tests at the ten-year level only one was passed, and he failed all of the twelve year tests. With a chronological age of 18 years (1927) and a mental age of eight years, six months, his intelligence quotient is 53.

CASE I



Prisoner: Negro. b. Charlotte, N. C., March 23, 1884
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded
Chronological Age: 43 Years (1927)
Mental Age: 10 Years, 4 Months
Intelligence Quotient: 65.

Physical Characteristics:

The prisoner has dark brown skin; is five feet, eight inches in height; and weighs 151 pounds. He has prominent features, piercing brown eyes, large oval head with chin rigidly set, and a heavy moustache. He is 43 years old, having been born in Charlotte, N. C., March 23, 1884.

Family History:

His parents and an aunt had moved to Charlotte, N. C., from South Carolina shortly before his birth. His mother died when he was very young.

He comes from an old slave stock classed in a more favored category than the rank and file of slaves before the Emancipation. His maternal grandparents moved from Virginia to South Carolina. His paternal grandparents were born and lived in Chester, S. C. His nearest living relative of the older generation is the wife of an uncle with whom he spent many of his early years.

This uncle was supervisor of field hands among the 50 slaves on a rice plantation in South Carolina. He married a woman who was the "mammy" on a neighboring place and who, as such, was a privileged character among the 25 slaves there. Passes were granted on Sunday nights to permit certain slaves to attend church services. In this way the man and woman became acquainted and began a normal courtship. The rice plantation on which this uncle lived began to flourish with the arrival of a man from Africa who showed the slaves how to sow rice, and here the uncle continued to work until the Surrender in 1865.

The following year he married the woman whom he had been courting. She had remained with her former mistress from April until Christmas 1865, service for which she received $30.00, in addition to her maintenance.

The uncle became a share cropper on the estate of his former master. He received about $100.00 a year as his share. He and his wife had 14 children, all of whom were born after their marriage. Five died in infancy, and one served with credit in the World War. They were given a very limited education, most of them stopping school in order to work, or from indifference.

Early Home Conditions:

As his mother died in his early childhood, the prisoner was brought up by his father and the aunt who had come with the family to North Carolina.

Education:

His education stopped at the third grade, and he never tried to go higher.

Occupations:

He began work as an errand boy in Charlotte. His second employer also lived in Charlotte, but the prisoner followed this man to Washington, D. C., where for about four years he was a saloon-keeper for him. Later, in order to get into a different environment, the prisoner went to New York and worked as janitor for four or five years. When his father fell ill in Charlotte, he returned home. Although he was always able to go back to his former employer, he said he was "tired foolin' 'round whiskey" and began to work as an ordinary laborer in the Virginia fertilizer plant in Charlotte.

Marital Record:

He is married and has four children. At the time of his arrest, he was living with his wife and family in a small three room house on an unimproved street in a poor, congested section. His wife says that he was a good provider and a faithful husband. His wife takes in washing and does job work cleaning offices. Before his conviction for murder she was a member of a Negro Baptist church in Charlotte. She is the only one of eight children in her family who has not migrated to the North.

His oldest daughter is married and intends soon to join her husband who works in a laundry in Jersey City. One of his sons works every week day and Sunday in a neighborhood shoe-shine parlor.

Previous Arrests:

Four times between the ages of 11 and 25 years the prisoner was arraigned in Mecklenburg County for fighting. The first offense was disposed of by a whipping from his father and the last by the payment of a fine and costs of court amounting to $273.00. At the age of 30 years, he was convicted of highway robbery and sentenced to six years on the roads. He admits the justice of his former convictions.

After this, and in the face of a bad reputation in his home community, the prisoner decided to lead a clean, straight-forward life, and returned to his family in Charlotte. Soon, however, he began bootlegging, and on one of his ventures of this sort was arrested as he stood in front of the store of the man with whose murder he was later to be charged.

Habits, Characteristics and Reputation:

The prisoner appears to be aggressive and independent, and is a good talker, quite alert to happenings about him. He seems to be a nomadic

type whose craving for alcohol was tempered when he had access to it in abundance as a saloon-keeper. His propensity for fighting is suggested by his arrests on that charge. Although by the testimony of his wife, his family relations were good, he had a bad reputation in the community.

Story of the Crime Charged:

The murder with which he is charged took place about 12 o'clock at night in the suburbs of Charlotte at the little store of the man whom, it is claimed, he killed, where a dim light was burning in a meat market. Two Negroes stated that they were on the street nearby and identified the prisoner. However, the son of the murdered man who was standing near these Negroes and who saw all that they saw swore that he could not identify the prisoner as the man who killed his father. The prisoner's alibi was furnished solely by members of his family who claimed that he was at home when the murder was committed.

Requests for Commutation:

The case was tried by one of the oldest, most experienced, and most conscientious judges of the Superior Court of North Carolina who not only enjoyed a long and distinguished career on the bench, but was for many years one of the ablest solicitors of the State. Recommending commutation of the prisoner's sentence, he addressed a letter to the Governor, part of which follows:

"I wish I could see you and go into longer details of this case than I am going to do in this letter. I don't believe that this man is guilty of the killing for which he was convicted, or at least I have very grave doubts about it, and I had these doubts at the time he was tried. After the State's evidence was introduced, I suggested to the counsel representing the defendant that they submit him for murder in the second degree and let me sentence him to the State's Prison for thirty years. They had a conference with him, so they informed me, and he refused to let this action be taken, contending—as his counsel informed me—that he was not guilty of the offense charged against him; so we went along and tried the case and he was convicted.

"It is true, I think, that three Negro men swore to his identification. One of them struck me as being rather a silly Negro. And the evidence of those three did not impress me that they were telling the truth concerning the matters about which they were testifying.

"It was about twelve o'clock at night when the killing took place in the suburbs of Charlotte at a little store, and a dim light was burning in a meat market. Two Negroes stated that they were standing on the street and identified the prisoner. The son of the deceased man was standing near where the Negroes were standing, and seemed to be a very intelligent young man, and he saw all that the Negroes saw, and he swore that he could not identify the prisoner and could not swear that he was the man who killed his father. The Negro man who testified that the prisoner tried to rob him on the same night of the killing, I think, swore to an untruth as to its being the prisoner—if anyone did try to rob him.

"There is an impression among some good people at Charlotte, and was at that time, that this was a sort of frame-up on the prisoner because he had been a Negro of very bad character for several years and had been on the chaingang for quite a little while and had just been released from the gang. When I asked him if he had anything to say as to why the death sentence should not be pronounced against him, he made a short statement that impressed me, and I made up my mind

when I passed sentence upon him that I was going to ask you to commute his sentence, because, as stated above, I think there is too much doubt as to his guilt to let him go to the electric chair. Several good people in Charlotte told me that they had very grave doubts about his being guilty, and I think some of the officers, one of whom is now dead, were doubtful about his guilt. So I am asking you to commute this Negro's sentence from the death penalty to the longest term that the law will permit you to imprison him. He is getting on in years now. I do not know his age. It may develop in the future that he is not guilty, and, if it does, he can be released from prison.

"I am so fully impressed that this Negro should not die for this offense that I will be glad to take all the criticism, if any there be, upon myself in recommending the course suggested above. I think, if you had heard the case tried as I heard it, that you would have reached the same opinion that I reached. I was a little inclined to set the verdict aside, but I thought it best not to do so, as there was strong evidence that he was the man, if the Negroes testifying against him were to be believed; but I do not believe that they told the truth, and I came to this conclusion from the way they answered questions propounded to them when they were on the stand, and their demeanor and conduct while testifying".

The Solicitor of the Fourteenth Judicial District, also wrote a letter strongly recommending commutation.

Commutation of Sentence:

At the request of the prisoner the Governor interviewed him in the State's Prison at Raleigh. A most careful effort to elicit from him any fact or circumstance tending to establish his guilt proved unavailing.

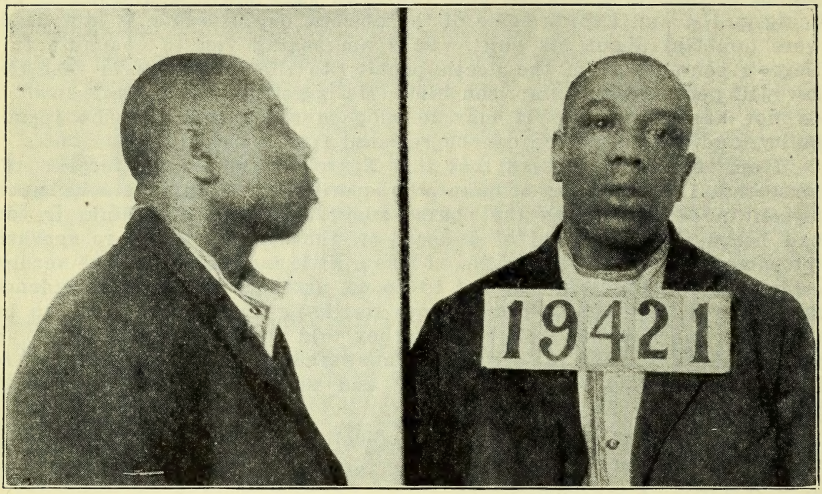
It was argued to the Governor at the hearing seeking commutation, that the case against the prisoner was what might be termed "a police made case". In the opinion of the Governor, however, this contention was not sustained by the evidence.

Resting his decision upon the strong and unequivocal statements of the Judge and the Solicitor, who had better opportunity to weigh the facts, the Governor commuted the sentence of the prisoner from "death to imprisonment in the State's Prison for the term of his natural life".

Mental Condition:

On mental examination, the prisoner passed five of the six tests in the nine year group, four of the six in the ten year group, two of the eight in the 12 year group, and one of the six in the 14 year group. With a chronological age of 43 years (1927) and a mental age of ten years, four months, his intelligence quotient is 65.

CASE J



Prisoner: Negro. b. Chester County, S. C., 1906
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded
Chronological Age: 21 Years (1927)
Mental Age: 7 Years, 4 Months
Intelligence Quotient: 46.

Physical Characteristics:

The prisoner is five feet, seven inches in height, and weighs 150 pounds. He has light brown skin, smooth, well-rounded Negroid features, and a set of good even teeth. He is 21 years old, having been born in Chester County, South Carolina, in 1906.

Family History:

It was found that nine members of the prisoner's immediate family were suffering from pellagra.

Early Home Conditions:

His family lived in a two-story frame dwelling with six rooms, located on a farm near Rock Hill, S. C. The members of the family received shares of cotton and corn for their labor as croppers, and payment of rent for their house was made in kind. Later they moved from this farm to Ogden which is situated between Rock Hill and Smith's Turnout. Here they occupied a one-story, five-room frame house for which they also made payment of rent in kind.

Education:

The prisoner received no formal education, except for his attendance at irregular intervals at a one-room schoolhouse near his home. He can read and do a little writing.

Occupations:

He began working for the white man who employed his father. When farming became slack at home, he decided to seek a livelihood elsewhere until his father should send for him to return. Beginning to migrate Northward, he reached Charlottesville, Va., where he began working as a general laborer for the Southern Railway, receiving for this work $2.00 a day. After two months, farming at his home began to pick up, and his father sent for him. He returned immediately, but after a season's work at home he left again, this time for Winston-Salem, N. C., where he was employed in a tobacco factory putting covers on packages of cigarettes. This was piece-work, and was done at night. He worked here for a year, until his father again sent for him and he went back home. After farming another season, he went to Mecklenburg County, North Carolina, on a Christmas visit. Here he remained until his arrest in February.

Previous Arrest:

His only previous arraignment was before a justice of the peace in York County, South Carolina, for fighting at the age of 15. His father paid the fine of $5.00.

Marital Record:

The prisoner is unmarried.

Habits, Characteristics and Reputation:

He is not a habitual criminal. He is inclined to be secretive, but is well-mannered and pleasant, with a friendly disposition. He claims to have enjoyed "the life of a sport", and to have done some smoking and drinking when he was away from home working. In short, he would carouse and have "a good time".

Story of the Crime Charged:

On the night of February 16, the prisoner attended a Negro fish fry. Late in the evening, A, the son of a deputy sheriff of Mecklenburg County, and three rural policemen entered the house, and after having searched the prisoner and other members of the group present, threw several persons, including the prisoner, out of the door. There was no evidence in the record that the officers were armed with a warrant at the time they entered the house, or that any crime was being committed in their presence. Nor was there any evidence that the prisoner was engaged in any breach of the law before or at the time he was thrown out of the back door.

After being thrown out, the prisoner started away from the house, but was arrested by an officer and left in the custody of A while the officers returned to the house. During the time the prisoner and A were alone, at some distance from the house, A was shot with a pistol and killed. The brother-in-law of A, who was the rural policeman who arrested the prisoner after he came out of the house and who left him in the custody of A, stated in his testimony at the trial that "the man I arrested was not disorderly or resisting arrest up until the time I left him there".

Incidents of the Trial:

Three officers were present at the house where the homicide occurred, but only one of them was placed on the stand by the State as a witness. The State relied principally upon the alleged confession of the prisoner, testified to by the Chief of Police of Charlotte and made to him while the prisoner was incarcerated in that city shortly after his arrest. Since

A's father was Deputy Sheriff and Jailer of Mecklenburg County, the prisoner was sent, by order of the Sheriff, first to Union County and later to Iredell, to be confined until the trial. A's father was the court officer in the Mecklenburg Court House during the trial.

The prisoner was unable to communicate with his relatives and arrange for employment of counsel by them prior to the trial. He claims that his parents were able and willing to secure proper counsel for him. On the morning of his trial, the court assigned reputable attorneys to represent him. Upon his arraignment, and just after their appointment, these attorneys stated to the court that they had no knowledge of the case, except such as could be developed from brief conversation with the prisoner; that the prisoner had had no opportunity from the time he was charged with the crime to procure witnesses or to make any arrangements for his defense; and that it would be practically impossible for attorneys properly to prepare the defense by the following day, the time set by the court for the trial. For these and other reasons the attorneys for the prisoner moved for a continuance for a short time in order that they might properly prepare their defense and obtain necessary witnesses. The motion was overruled by the court as a matter of discretion.

Evidence offered at the trial established the fact that the deceased, who was represented at the trial to have been an officer of the law at the time he was killed, was, in fact, not an officer at that time. It appeared also that the homicide took place during the disorder that began when the officers entered the house. The evidence was also very strong to the effect that the entry of the officers into the house where the Negroes were created great excitement, confusion and disorder among the large number of men and women gathered there.

Statement by the Prisoner:

His version of the murder was given by the prisoner in the following statement made immediately after his arrest:

Q. Did you run?
A. No. I did not run. They caught me inside.
Q. Did you have a gun?
A. I had a gun but I did not have it with me. My uncle gave it to me.
Q. What kind of gun was it?
A. It was a 32.
Q. What did the officer do?
A. They searched me three times. They kicked me out of the house.
Q. Did they find anything on you when they searched you?
A. They did not find any whiskey. I did not have anything but a little knife about two inches long.
Q. Where did you go when you left that house?
A. I went to my uncle's house.
Q. Where were you when the shot was heard?
A. They backed me behind the house and left me with one officer. I suppose he was an officer, but I do not know whether he was an officer or not. He caught my right arm.
Q. Was he holding your arm when the shot was fired?
A. Yes, he was holding my right arm here (just above the elbow) and I heard a shot fired. Then I ran. I did not run either but I walked away.
Q. Do you think you were too drunk to know who fired the shot?
A. I was drinking, but I was not drunk. I do not know where the pistol was shot from.
Q. Did the pistol shot sound near?
A. The shot sounded very close.
Q. How far were you from the house?
A. I was about 100 yards from the house.

Q. Were there any bushes or houses near the house?
A. There were bushes and one or two houses near the house.
Q. Were there any bushes right where you were standing?
A. No, the bushes were about 100 yards from where I was standing. There was nothing right there except an old house.
Q. Did the officer say anything to you?
A. He asked me if I knew where any whiskey was, and I told him I did not. He started hitting me.
Q. What did he hit you with?
A. He hit me with his fist. He knocked me down three times. He was knocking me down when the shot fired.
Q. Did he say anything when he was shot?
A. I did not hear him say anything.
Q. When were you arrested?
A. I was arrested the next week. I was at my uncle's house then.
Q. Why did they come to arrest you?
A. A boy told them he saw me with a gun of the same make as the one with which the man was killed.
Q. Did they have this gun in court?
A. Yes sir, they brought the gun to court. They said he was killed with a 32 just like mine.
Q. Did you try to fight the officer?
A. No sir, I did not try to fight the officer.
Q. What were you doing in Charlotte and how long had you been there?
A. I went to Charlotte to spend Christmas with my uncle, and had been there about one month.
Q. In whose house was the party given?
A. It was a house in Myers Park.
Q. What was the name of the man?
A. His name is B.
Q. Did he own the house?
A. No, it belonged to a white man but he was just living there.
Q. Had you been accustomed to going there?
A. No sir, I had never been there before.
Q. How did you happen to go the night of the party?
A. I got with some boys and they asked me to go.
Q. Did the boys live there?
A. No sir, they were just country boys.

Commutation of Sentence:

Immediately following the trial, requests for commutation of the prisoner's sentence were presented to the Governor by more than 100 of the best people of Mecklenburg County, including a number of the court officers and attorneys who had no connection whatever with the case. The only protests against commutation came from the father of the deceased, who was the Chief of Rural Policemen of Mecklenburg County, several of the rural policemen working under him, and one or two others.

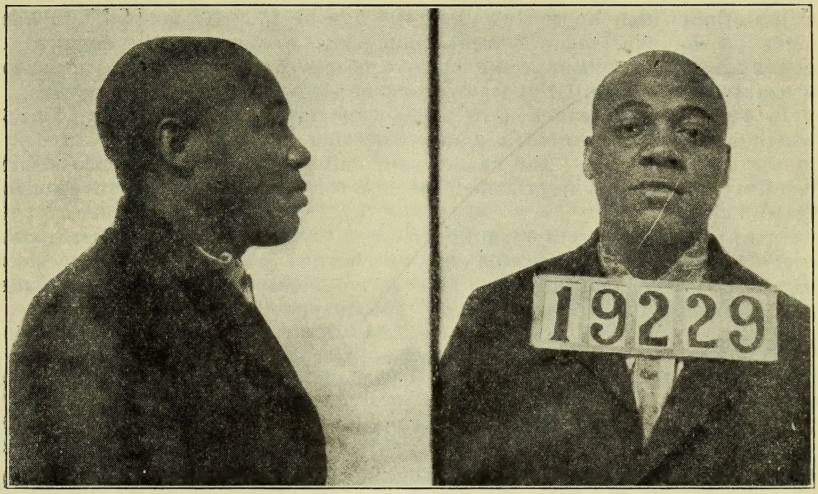
On account of some unusual facts and circumstances disclosed, the Governor, from the beginning, felt constrained to give the case prolonged and most careful consideration. For that reason, he not only personally held several hearings in the case, but requested the Commissioner of Pardons to proceed to Mecklenburg County, and make a very careful investigation into every available fact and circumstance that would throw light upon the matter. Finally, he issued a subpoena for the Chief of Police of Charlotte who was examined with great care as to the facts and circumstances of the trial and as to his testimony before the trial court. Other evidence not produced at the trial was also heard by the Governor and by the Pardon Commissioner.

In commuting the prisoner's sentence the Governor said, "While I feel very reluctant generally to interfere with verdicts of juries and judgments of courts, I have from a carefu! consideration of the evidence produced upon the trial, as well as evidence presented to me which was not available at the trial, felt constrained to conclude that the ends of justice will not be subserved by the infliction of the death penalty in this case. I, therefore, commute the sentence from death to imprisonment in the State's Prison at hard labor for the remainder of the prisoner's natural life".

Mental Condition:

The chronological age of the prisoner is 21 years (1927). His mental age is seven years and four months, and his intelligence quotient, 46.

CASE K



Prisoner: Negro. b. South Carolina, August 29, 1900.
Charge: Rape
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded
Chronological Age: 27 Years (1927)
Mental Age: 11 Years
Intelligence Quotient: 69.

Physical Characteristics:

The prisoner is a man of medium height who weighs 150 pounds. He has brown eyes, dark brown skin and large, flabby features. He is 27 years old, having been born in South Carolina on August 29th, 1900.

Family History:

He does not know whether his parents, who were slaves, were ever married. They died when he was quite young. He was the youngest of 15 children. His five brothers had criminal careers, and two of them met death by being shot in a gambling brawl.

Education:

At the age of eight years he left school when he was in the second grade.

Occupations:

As a boy he lived in Waxhaw. Later he was a resident of Big Island and Lynchburg, Va., Mayberry, Thorpe, and Lanesburg, W. Va., and still later he spent a few months in Indiana. In West Virginia he worked as a coal miner, making good money, but spending it and gambling heavily. He has also worked as a common laborer and truck driver. Because of his ungovernable temper, he was not able to hold a job for more than four or five months.

Previous Arrests:

His criminal career began when he was 11 years old when he was convicted of attempting assault with intent to rape. For this, he was sentenced to 15 years imprisonment. He served six years at the Whitney Camp from which he ran away at the age of 17. He managed to keep clear of the courts for several years, but was constantly engaged in one offense or another. His close contacts with older men in prison probably gave him all the training he needed for a career of crime.

In 1924 he was engaged in a shooting scrape in Lynchburg, Va., in which he shot and killed a man. For this he was sentenced to death in the electric chair. But he escaped, and his Virginia sentence is still pending while he is imprisoned for life for rape in the North Carolina State Prison.

After his escape from Virginia he went to Winston-Salem where, after a short time, he was arrested on two charges. The first was for stealing clothes. The authorities, however, dismissed this charge in order that he might be arraigned on the second charge of rape.

Marital Record:

While living in Virginia, the prisoner says, he "went with four different women". The duration of his illicit relations with three of these paramours was eight, four and five months respectively. In 1919 he was forced to marry a woman of Greenbriar, W. Va., with whom he lived for five years. One girl, who is still living, was born to them. In 1924 he left his wife and moved to Lynchburg where he lived with one of his "women" for eight months.

Habits, Characteristics and Reputation:

He is a chronic fugitive from justice, and, never loses an opportunity to give trouble to prison officials and guards. He is the only C-grade prisoner in the Negro group whose histories are given here, all the others being of A and B grade. He has an ungovernable temper.

From the older prisoners with whom he was associated during his first imprisonment he learned of sex offenses which they had committed, in compensation for a sex life which he had wished even at the early age of 11 years. His mental examination showed indications of hypersexuality, a condition with which he was faced in addition to his training for six years in the prison's school of crime. He was also taught the art of burglary. Being a man of low mentality, he did not succeed in covering his crimes, but carried out his criminal training during his short periods of freedom from prison.

Story of the Crime Charged:

The alleged victim of the prisoner's last rape charge was a mature Negro woman, the mother of two illigitimate children, and of bad moral reputation. She claims that her four months old illegitimate child is the prisoner's daughter. He admitted that he had been "going with" this woman for three years prior to the date on which she had him arrested for rape.

During the trial the woman and her sister testified that the prisoner entered the room in which the prosecutrix, her baby, and two younger sisters were sleeping. They further testified that the prisoner awakened the prosecutrix and compelled her to get up from her bed and go with him to another room at the rear of the house where the crime is alleged to have been committed. A sister of the prosecutrix stated that she was awakened by the prisoner's entrance to their bedroom, but that she made no outcry, and remained in her bed while he required her sister to accompany him to the other room.

The prisoner's version of this incident follows:

"The prosecutrix sent me word that she had had a baby, and she accused me of being the father of this child, and said that if I did not come and see her and give her some money for the child she would take out a warrant for me. That night I went to see her. While there, I took off my shoes and my clothes, and when I was ready to go, I got dressed, but she locked my shoes up in the closet. Then we had an argument and fought, practically the entire night. The following morning, she swore out a warrant charging me with rape".

Commutation of Sentence:

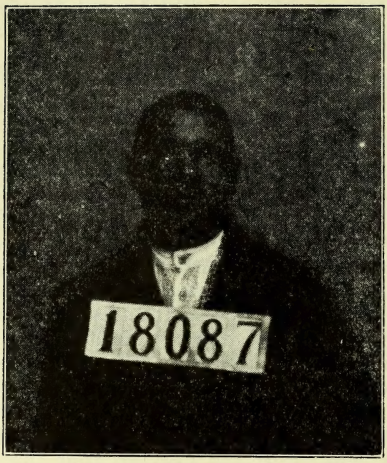
Shortly after the prisoner's conviction and sentence to death in the electric chair the Solicitor who represented the State in his prosecution, called the Governor over long distance telephone to say that he and the trial Judge, after investigation, desired to recommend unreservedly a commutation of the sentence of death to one of life imprisonment. The Solicitor gave as the reason for requesting executive clemency, the fact that his attention had been called to the case by an affidavit made by one of the jurors, "in which the affiant stated that after hearing the evidence in the case, arguments, and the charge of the Judge, and before arriving at a verdict of guilty with a recommendation for mercy, and being answered by the court that such a verdict was permissible, the jurors found the defendant guilty of the charge and recommended mercy; that this affiant was, and is of the opinion that the other eleven jurors who sat on the case were under the impression that a verdict with said recommendation did not carry with it a death sentence, but that of life imprisonment; that had the jurors known or been instructed by the court, that a verdict with said recommendation meant a death sentence, this affiant would not have voted to convict the defendant of rape, and is of the opinion that the other jurors would not have voted to so convict the defendant, but would have found him guilty of a minor offense".

The Governor also had an investigation made through the office of the Chief of Police in Winston-Salem and read over the testimony of all the witnesses who were examined on the trial. After taking into consideration the testimony of the prosecutrix and her sister, relative to the bedroom incident, and other facts presented by the Solicitor and the trial Judge, particularly their unreserved recommendation for a commutation of the sentence of death to one of life imprisonment, the Governor, expressing great confidence in their opinion and general attitude in matters of this kind, commuted the sentence of the prisoner to life imprisonment.

Mental Condition:

The prisoner's chronological age is 27 years (1927). His mental age is 11 years, and his intelligence quotient, 69. He passed four out of the six tests in the 10 year group; four out of the eight in the 12 year group; and only one in the 14 year group.

CASE L



Prisoner: Negro. b. Dinwiddie County, Virginia, June 14, 1896
Charge: First Degree Burglary
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Subnormal or Retarded
Chronological Age: 31 Years (1927)
Mental Age: 12 Years, 4 Months
Intelligence Quotient: 77.

Physical Characteristics:

The prisoner is a small man, weighing 134 pounds. He is 32 years old, having been born in Dinwiddie County, Virginia, on June 14, 1896.

Early Home Conditions:

During his childhood he lived in the two-story log cabin near Petersburg, Va., in which he was born. Here he was cared for by his mother, who sent him to school during his early years. His mother is at present living in Petersburg.

Education:

The prisoner received the little education he has before he was 11 years old, the age at which he started to work.

Occupations:

When he was 11 years old he began working in a tobacco factory in Petersburg. He was paid 25 cents a day for "toting" tobacco. He remained here for a year, and then did the same sort of work at another factory at 40 cents a day.

Later he went to work as a delivery boy in a five and ten cents store. He held this job for four years at $3.50 a week, and then became shipping clerk in another nearby five and ten cents store where his wages were increased to $10.00 a week. After two years and a half, his desire

for change led him to work as butler for 18 months. During the following year he earned approximately $30.00 a week as a bootblack in a barber shop.

At the suggestion of an aunt who was living in Newport News, he left home for the first time to work in the Newport News ship yards. His stay here was brief, and he soon returned to Petersburg. When he was 25 years old, the desire to make money quickly led him to open a gambling house. This was soon raided by the police, and the prisoner was forced to serve six months on the county roads. When he had served his time, he worked as a piano player for parties and dances, making from $10.00 to $15.00 a night. He was also a house painter.

Before coming to North Carolina he spent six months in Danville, Va., working as a brickmason for $1.00 an hour. He did this, he says, in order to try to erase the stigma of his sentence on the county chain gang.

He moved to Plymouth, N. C., from Norfolk, Va., with a man whom he had met in Norfolk and with whom he had become quite friendly. His visit to Plymouth was his first venture in North Carolina. While there, he shared quarters with the man who had accompanied him from Norfolk. He was employed by this man from time to time for two years.

Previous Arrests:

His first conviction came when he was 15 years old, when he was fined $5.00 for playing ball in the street. His mother paid the fine and he was released.

As mentioned above, he served six months on the roads for operating a gambling house in Petersburg.

After about two years in Plymouth he wished to visit relatives in Petersburg, Va., and being on very good terms with the man with whom he lived, he borrowed some of his clothes without, it seems, the owner's expressed permission. The prisoner promised to return with the clothes, but stayed in Petersburg longer than he had anticipated. Whereupon, the owner of the clothes swore out a warrant for his arrest, and upon his return the prisoner was served with the warrant, tried and convicted, and sentenced to 30 days imprisonment in the Plymouth jail.

Marital Record:

The prisoner is unmarried, but he has lived with two women outside of wedlock—the first for four years, and the second for two years.

Habits, Characteristics and Reputation:

He is talented in painting, and since his last imprisonment has painted a large collection of water colors, representing original ideas of the roads to Christian living and to the doom of the electric chair. He is also musical and can play the piano.

Story of the Crime Charged:

Soon after his confinement in the Plymouth jail, the prisoner was made a "trusty" and, as such, was assigned as a guard over the jail at night. Next to the jail, known as the "stockade", is the residence of A, from whom the prisoners were accustomed to make purchases. One day, while making a purchase and receiving change, the prisoner noticed that there was a large amount of money in the change box, apparently several hundred dollars in currency, as well as much silver change. In the store on this occasion he heard A state that a relative would come to visit them and would arrive at 12:30 that night.

While he was standing guard that night, the prisoner met an elderly man from A's place, and reminded him that the relative was expected. This man was of the opinion that the relative was to come on the morrow, but when the prisoner related the conversation he had heard, the man requested the prisoner to accompany him to the railroad station, a few blocks away by the road on which both the stockade and A's residence were located. The prisoner agreed, and they set out with a lantern, leaving the door of A's residence unlocked.

After they had covered part of the distance, the prisoner announced that he would have to return for a moment, but would soon rejoin his companion. He made his way stealthily to the gate of A's residence. He was unarmed. When he entered the gate, the dog barked loudly, arousing A's wife, who went to the door. The prisoner entered by another door, tried to find the money, failed, and fearing capture, made a hasty exit and escaped.

He was captured the next morning a few miles away. At the trial the State tried to introduce the motive of rape in addition to the charge of first degree burglary. The defendant attempted to have the charge read, "house-breaking". The trial Judge would not agree to that at this time, but after the prisoner's trial and conviction he modified his opinion. The prisoner was convicted of first degree burglary and sentenced to death.

Commutation of Sentence:

The Sheriff of the county, Clerk of the Superior Court, and every member of the jury signed a petition for commutation of the prisoner's sentence. The Sheriff states now that the prisoner was a useful citizen, that he has had sufficient punishment and should be released. The original petition was signed also by all the occupants of the house in which the crime was committed.

The Congressman for the First North Carolina District addressed a letter to the Governor relative to the prisoner, part of which follows:

"I was present at the trial of the prisoner for burglary in the Washington County Court. I certainly do not think the death penalty ought to be imposed on this man. My reasons were much stronger then, as I saw and understood the situation and the appearance of the defendant, than I am now able to state them.

"Of course you discount my letter very largely from your opinion of me, that if I was Governor I would pardon everybody. However correct you may be about that, this man ought not to suffer the death penalty. Neither public opinion, the safety of society, the integrity of the courts nor the majesty of the law demands it."

The Judge who presided at the prisoner's trial sent the following telegram to the Governor:

"Owing to great doubt whether evidence sufficient to establish burglarious breaking and for mental condition will recommend commutation of the prisoner."

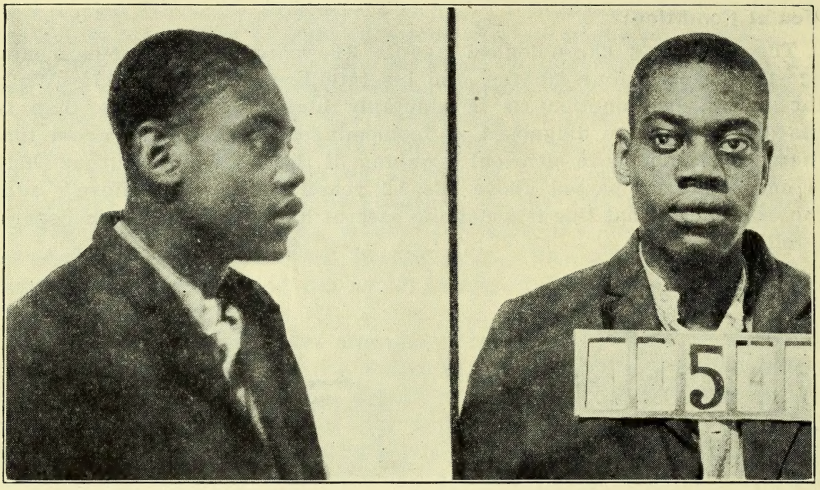
In his statement granting commutation, the Governor referred to the alleged assault by the defendant on A's wife. He also stated that "the reason alleged for this remarkable unanimity in the county among the

officers favoring commuting the sentence is that they do not believe that the prisoner realized the enormity of his crime on account of his low mental condition, and that he simply meant to commit a theft".

Mental Condition:

The prisoner's chronological age is 31 years (1927). His mental age is 12 years, four months, and his intelligence quotient, 77. While the intelligence quotient is considerably higher in this case than in the others that are diagnosed as feebleminded, it should be noted that there is a much more clear-cut grouping of the tests passed: thus there is only one test passed above the 12 years group. "I believe", adds the examiner, "that this is a definite case of high grade defect in general intelligence."

CASE M



Prisoner: Negro, b. Raleigh, N. C., 1909(?)
Charge: Rape
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded
Chronological Age: 18 Years (1927)
Mental Age: 6 Years, 2 Months
Intelligence Quotient: 39.

Physical Characteristics:

The prisoner is six feet tall and weighs 145 pounds. He has dark brown skin, kinky black hair, and distinctly Negroid features, including a broad nose and thick lips.

When he was six years old, a white spot appeared in his right eye. The doctor told his mother that it was the result of "strong medicines given to him by his grandmother". However, other members of his family who had no contact with the grandmother seems to have been similarly afflicted.

Family History:

He is of illegitimate parentage. His mother was legitimate. Her father sent her to work for an employee of the State Capitol in Raleigh. She herself received no pay for this work, as her employer sent her wages to her father. She kept this job for ten years. Her schooling lasted less than a year, and she can read and write only a little. She is not a church member. For years she has borne the name of the family of the prisoner's father to whom, she claims, she was married. She began her relations with him when she was 13 years old. She claims also to have married the father of the prisoner's half-brother and of two infants who died shortly after birth. She says that before she married this man she had heard that the prisoner's father was dead.

His father left home with a group of boys to join the Navy and has not been heard of since.

Education:

The prisoner was never a regular attendant at school, and stopped when he was in the fourth grade.

Marital Record:

He is unmarried. His mother volunteered the information that he paid no attention to girls before he was 17 years old.

Habits, Characteristics and Reputation:

He is inclined to be well-mannered, and is not very talkative. As far as his mother knows, he did not drink. He is of low mentality, and appears to be without special ability of any sort.

Story of the Crime Charged:

The crime with which the prisoner was charged is said to have been committed about Christmas, 1925, but he was not arrested until March of the following year. At the trial, the plaintiff, a white woman, stated that she met the prisoner on a road near the edge of the city between seven and eight o'clock one Friday evening. It was then, she claims, that he assaulted her. She testified that she returned by this same road on the following morning, when she again met the prisoner, but they did not have anything to say to each other.

During the winter, the prisoner was confined to his bed with influenza, but early in March he was able to get up, and stayed in and about the house. Soon he was able to return to work. The day after he went back to his job he was arrested as he returned home. At the trial he offered an alibi which was sworn to by the white man and his wife for whom he worked. Twelve white witnesses and two Negro witnesses attested his good character.

Commutation of Sentence:

Believing that the State of North Carolina should throw around every one of its citizens every safeguard, the Governor requested the Superintendent of the State Hospital for the Insane at Raleigh and his Chief of Staff, the Secretary of the State Board of Health and a member of his staff, a leading physician of Raleigh, the Clerk of the North Carolina Corporation Commission, the State Warehouse Superintendent, and the Chief of the Bureau of Markets to visit the condemned prisoner and satisfy themselves as to his mental condition, and then report to him. They were given no instructions or suggestions as to how they might arrive at their conclusions, but were merely asked to spend such time and make such inquiries and investigations as to satisfy themselves as to whether the Negro was of such mentality as would enable him to determine right from wrong.

Their investigation lasted several days, and the gentlemen named above advised the Governor that they had gone very thoroughly into the case by seeing and talking with the prisoner, inquiring into his past life and otherwise seeking information about him. They reported that they were of the unanimous opinion that the prisoner was an imbecile or low type moron, with the mentality of not more than that of a child of eight years, and thus, could not be held responsible for his acts as contemplated by law.

Upon receiving this report, the Governor issued an order commuting the prisoner's sentence to life imprisonment. His order closes with this paragraph:

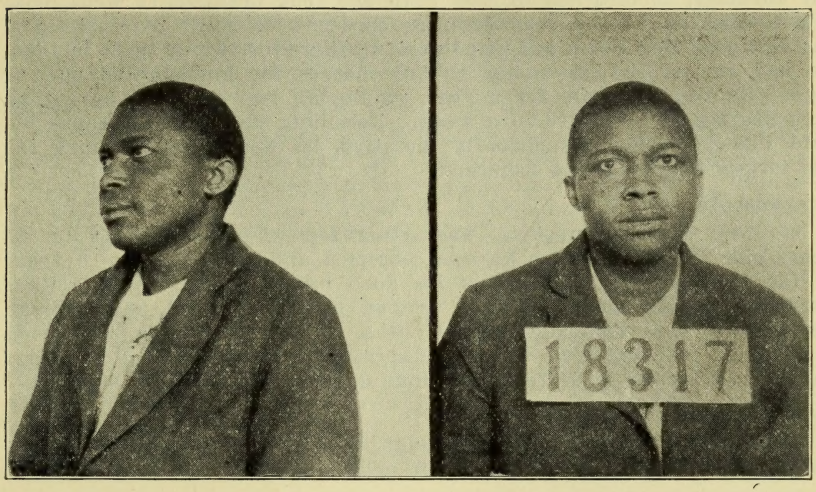
"The sentence of the prisoner has been commuted to life imprisonment because of the strong conviction that the State of North Carolina should under no circumstances take the life of one of its citizens who

is not mentally capable of understanding the consequences of his acts. Whatever the facts surrounding the crime may have been, I believe that the dictates of humanity forbid the taking of life where the subject is insane. With this in mind, the prisoner is this day commuted to life imprisonment to be worked and treated as provided by law".

Mental Condition:

The prisoner is probably 17 or 18 years old, but upon examination was unable to give his exact age or the date of his birth. His mental age is six years and two months, his basal age, seven years, and his intelligence quotient 39. While he seemed perfectly willing to answer the questions put to him, there was no indication of any interest on his part. His whole attitude was that of an individual naturally very dull and stupid. The degree of his general intelligence is very adequately indicated by his mental age; that is, he has a mental development corresponding very closely to that of the normal child of six years. This is a case of definite feeblemindedness.

CASE N



Prisoner: Negro. b. Edenton, N. C., 1892
Charge: First Degree Burglary
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Mentally Retarded
Chronological Age: 35 Years (1927)
Mental Age: 12 Years, 11 Months
Intelligence Quotient: 81.

Physical Characteristics:

The prisoner is five feet, five and one-half inches in height, weighs 145 pounds, and has brown skin and good, even features.

Family History:

His mother died when he was very young, and his father deserted him soon after, leaving him in the care of his grandparents.

Early Home Conditions:

Most of the prisoner's early life was spent in New Bern, N. C., where he lived with his grandparents in an old two story, four room, frame building which was in a fair condition of repair and was owned by the grandparents. The house and lot had a value of approximately $700.00. There were six or seven members of the family who shared the home with the prisoner. From infancy until he was 21 years old the prisoner did not see his father who had left home soon after his wife's death, and he took the name of his grandparents.

Education:

He reached only the fourth grade in school.

Occupations:

As a youngster, the prisoner seems to have been fairly industrious. His first job was doing house work in the home of a physician, service for which he received 80 cents a week and board. Then, for five or

six years he worked as a fish peddler. His commission was 25 cents on the dollar, and he averaged as much as $5.00 a day.

Upon his release from prison at the expiration of his second sentence for burglary, he returned to New Bern and took preliminary steps looking toward an independent business career. He went to work in a sawmill near New Bern, and after working there for two or three months, he had earned enough money to buy clothes for himself and open a café. He ran this café for a year, employing two or three assistants, and clearing at least $10.00 a week. Becoming dissatisfied because his café was not proving sufficiently lucrative, he went back to work for his former employer, the fisherman.

Previous Arrests:

His first offense, burglary, was committed when he was 16 or 17 years old. On this charge he was convicted and sentenced to 10 years in the Penitentiary. Because of his good prison record, and the legal provision for prisoners to earn "gained time" for good behavior, he served only five years and three months. Upon his release, he moved to Norfolk, Va., where he was again arrested and convicted of burglary. For this he served three years and four months of a five year sentence.

Marital Record:

The prisoner is unmarried, although at a very early age he began having sex relations with girls in his neighborhood.

Habits, Characteristics and Reputation:

Although he is diagnosed as mentally retarded, he gives the impression of being above the average in intelligence, showing special ability in the solution of problems. He was fond of dancing and was an inveterate gambler. He claims that his heavy gambling losses were responsible for his tendency to burglarize in order that he might maintain the fast gambling pace which he had set. Although he was restless and of a migratory temperament there were periods in which he worked steadily. Before his last conviction he had no religious or fraternal affiliations, but he has recently joined the Baptist church to which he was drawn by the Prison Chaplain, and says that he believes that he has found in religion a hope for the future and an incentive to a life that is socially more useful.

Since the commutation of his sentence he has maintained a model prison record, Grade A. At present he is located at the State Prison Camp Incorrigible at Stokesdale where he is employed as a camp cook. He is the only Negro prisoner in this group.

Story of the Crime Charged:

One Sunday morning during the winter prior to the New Bern fire, the prisoner met his employer, a fisherman, on the street and asked for a loan of money. The fisherman told him to come back the next morning since his religious convictions prevented him from "doing business on Sunday". Needing money immediately to cover his gambling losses, the prisoner sought it illegally that night. According to the evidence, he was unarmed when he smashed a door and attempted to burglarize at night. His entrance into this home awakened the inmates. A shot fired in the dark pierced the prisoner's side, and though badly wounded, he returned home and called a physician who ordered him moved to the hospital. While in the hospital he was accused of burglary in the first degree, and upon his recovery he was tried, convicted and sentenced to death in the electric chair.

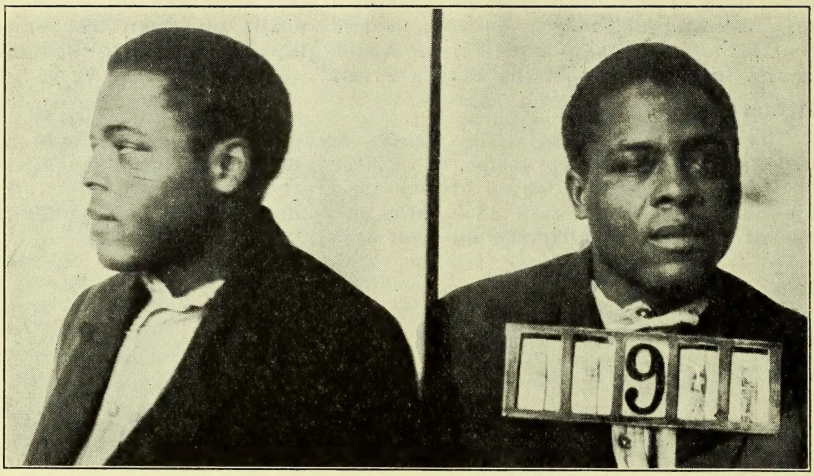
Commutation of Sentence:

After the prisoner had been reprieved three times, the Governor commuted his sentence to life imprisonment, saying: "Upon the recommendation of the Judge and Solicitor who prosecuted and sentenced the prisoner, and of many good citizens and of the physician who states that he (the prisoner) is of very low mentality, I commute his sentence to life imprisonment in the State's Prison".

Mental Condition:

The prisoner was not so low in the mental scale that he could not make a good living. He made the highest score on the intelligence tests of any of the Negroes whose history are given in this study. However, his mental age is 12 years, 11 months, as compared with a chronological age of 35. His intelligence quotient is 81.

CASE O



Prisoner: Negro. b. Williamston, N. C., July 3, 1901
Charge: First Degree Murder
Sentence: Death
Electrocuted September 23, 1927
Mental Diagnosis: Feebleminded
Chronological Age: 26 Years (1927)
Mental Age: 8 Years
Intelligence Quotient: 50.

Physical Characteristics:

The prisoner was a short, under-sized man of ordinary appearance. He had light brown skin, large round head, and pleasant features.

Family History:

He came from a very poor stock. His parents were backward, ignorant folk who lived in Martin County, North Carolina.

Early Home Conditions:

He was reared in Martin County, in this State, and had always been a resident of North Carolina. As a youth he lived the rural life of his section, helping his father to farm. His home was a very poor, one story, three room frame dwelling without conveniences or more than bare necessities.

Education:

He attended school until he was 16 years old, but when he stopped school he had reached only the fourth grade.

Occupations:

For varying periods after leaving school he worked as a farm hand and common laborer for white people near his home.

Marital Record:

The prisoner was married and had six children. After his conviction his wife was forced to go to Greenville to work as a tobacco hand. With

her she carried the oldest and the youngest child, and the four others were left with their maternal grandmother who lived in the country near Williamston.

Habits, Characteristics and Reputation:

The prisoner was in every sense a "home body", and had not been accustomed to visit even Williamston, the large town nearest his home, very often.

Story of the Crime Charged:

A white boy left Williamston with a truck load of tobacco bound for delivery at the market at Wilson. When this boy was last seen driving through Williamston, the prisoner was on the driver's seat with him, according to the testimony of several witnesses. The white boy was never seen alive again, and his body was found later in some underbrush.

The State claimed that the prisoner delivered the tobacco on the warehouse floor and that, upon being questioned as to the whereabouts of the white boy, he could give no explanation. He left the warehouse and did not return for his check in payment for the tobacco, and he was arrested at his home near Williamston.

Incidents of the Trial:

His parents immediately took steps for his defense, and although very poor, they raised $70.00 as a retainer for a lawyer to represent their son. This lawyer, however, after accepting the fee, made an investigation, but because the parents were unable to secure the second payment on his fee, he refused to appear in court at the trial. A second lawyer was retained who represented the prisoner at the trial and subsequently at the hearing before the Governor when commutation of his sentence was sought. In order to pay the second lawyer's fee and other expenses of the defense, the father mortgaged his farm. The prisoner did not take the stand in his own defense, and a chain of circumstantial evidence forged by the State resulted in his conviction on the charge of first degree murder.

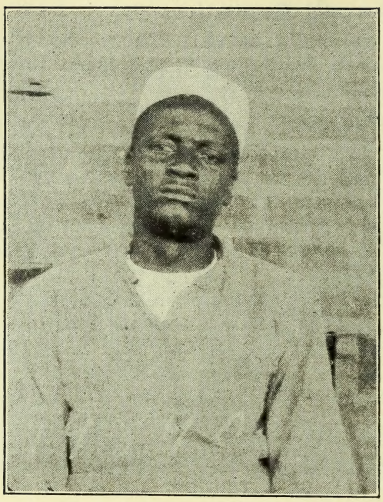
Reprieves:

After his sentence of death, several reprieves were granted by the Governor in order that the prisoner's attorney and the Pardon Commissioner could make a complete investigation. Nothing was discovered, however, that showed a miscarriage of justice. The Governor therefore refused to extend executive clemency, and the prisoner died in the electric chair on September 23, 1927, stoutly maintaining to the end that he was innocent of the crime charged.

Mental Condition:

The prisoner's chronological age was 26 years (1927). His mental age was 8 years, and his intelligence quotient was 50. He was definitely feebleminded. He passed five out of the six tests in the eight year group, but only one in the nine year group, and failed on all in the ten year group.

CASE P



Prisoner: Negro. b. Gates County, North Carolina, 1901
Charge: First Degree Murder
Sentence: Death
Sentenced Commuted to Life Imprisonment
Present Location: State Hospital for Negro Insane at Goldsboro
Mental Diagnosis: Catatonic Dementia Praecox.

Physical Characteristics:

The prisoner is six feet in height and weighs 198 pounds. He has light brown skin and is slightly bald. He is 27 years old (1928) having been born in Gates County, North Carolina, in 1901.

Family History:

All of the prisoner's ancestors were of very poor stock living in backward, undeveloped communities. His paternal grandmother was insane. He is a member of a family of eight children. All of his brothers and sisters appear to be mentally defective, and one of his brothers has been an epileptic since birth.

Marital Record:

When he was arrested for murder the prisoner had been married five years, and was the father of three children, one of whom is an idiot. Prior to his marriage he had lived with a woman for two years without the formality of marriage. This woman had been treated for syphilis and gonorrhea for two years and was almost totally blind.

Story of the Crime Charged:

The prisoner shot and killed a deputy sheriff of Gates County while the officer was engaged in the performance of his duty.

Opinions About the Prisoner's Condition:

The Judge before whom he was tried expressed his opinion of the prisoner in the following words:

"I feel that the merciful intervention of the pardoning power ought to be invoked, and in this case I ask you to intercede in his behalf, I am confirmed in this view by the Sheriff of this county where the prisoner was tried, who says that he has seen him recently, and that he has no mind at all. I insist that the prisoner ought not to go to the chair and that life imprisonment would be a proper punishment for him".

After the commitment of the prisoner to the State Prison the Governor directed the Commissioner of Pardons to have him closely observed and to have three doctors, one a member of the staff of the State Hospital for the Insane at Raleigh, make careful examination of him. They advised the Governor as follows:

"At your request we have examined the prisoner and we are of the opinion that he is of unsound mind. We recommend that he be transferred to the criminal insane hospital at Goldsboro for further observation and complete detailed examination including physical, neurological and laboratory findings".

Upon receipt of this report by the Governor, the prisoner was transferred to the criminal division of the State Hospital for Negro Insane for observation. A reprieve of 30 days was extended him in order that a thorough examination might be made. After this period of observation, the hospital authorities reported:

"The said prisoner has been under daily observation during his stay in the institution and we, the undersigned, wish to report to you that in our opinion he is now insane, having the catatonic form of dementia praecox."

In the meantime, the Commissioner of Pardons went to Gates County to investigate the case and advised the Governor that while the mentality of the prisoner was never brought into question, the mental weakness of other members of his immediate family was generally conceded. The Commissioner interviewed the father of the murdered officer and others interested in the prosecution of the prisoner. The Sheriff of Gates County and other citizens who had opportunity to observe the prisoner expressed the opinion that he was insane.

Commutation of Sentence:

In commuting his sentence, the Governor made the following statement:

"While the father of the young officer feels deeply the loss of his son and the guilt of the prisoner, I am advised by the Commissioner of Pardons that he is in accord with the great body of intelligent sentiment throughout North Carolina that the taking of the life of a prisoner who is insane would not be in accordance and in keeping with the dictates of humane society. This spirit on the part of the father of the deceased cannot be commended too highly. It is indicative of the high character of our citizenship and calls not alone for character, but a high sense of duty to one's fellowman regardless of the personal suffering that has resulted.

"The case of the above named prisoner has been before me for several months and has been given most careful attention and consideration. After carefully reviewing all the facts and circumstances and after having utilized every available means to determine the true status of the prisoner, I am convinced that the prisoner is an insane man and therefore without regard to the degree of his guilt I am disposed to believe that Christian society has risen above the idea that a life should be exacted of an insane man. Acting upon this theory of the case and after having given time for thorough and complete investigation I have this day com-

muted the sentence of the prisoner to life imprisonment and have made this statement a part of the record in the case in order that my successors in office may have the benefit of this information, because I do not believe that the prisoner should have further clemency shown him".

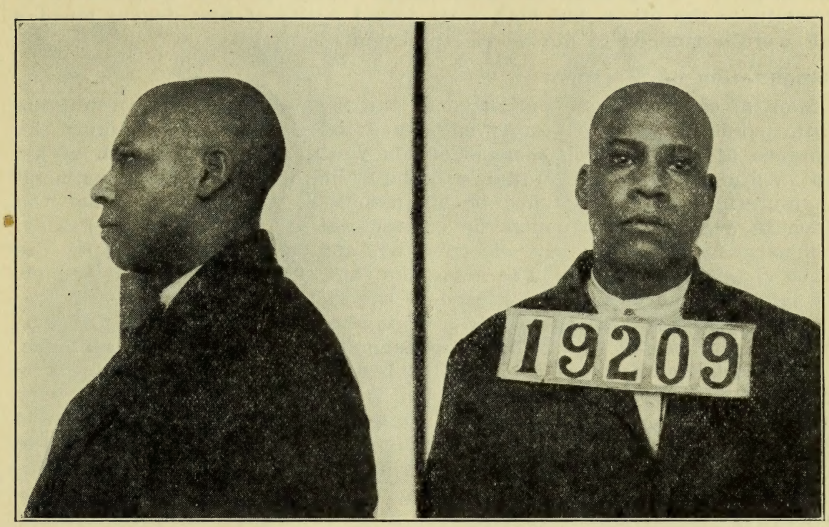
Mental Condition:

Examination of the prisoner prior to the diagnosis of his condition as dementia praecox by authorities at the State Hospital for Negro Insane showed his condition to be as follows:

At the time of the examination the prisoner was apparently in a marked state of confusion. He was disoriented for time and place, stating that it was summer time and morning although the actual time was about three o'clock in the afternoon. He thought that the building in which he was examined was a church. He stated that he came to the institution the day before, that he had not had any dinner, and that he did not talk to any white man during the morning, although a representative of the State Board of Charities and Public Welfare had talked to him and taken his history. He was unable to tell the name of the President or of the Governor of the State. He did not know who brought him to the institution, nor why he had been brought there. In going back to his cell from the third floor, he did not seem to realize where he was, and attempted to go into each door that he came to, was unsteady in his gait, and had a vacant expression in eyes and face.

The examiners were unable to tell how much of the condition which they observed was the result of emotional disturbance due to the fact that within a day or two preceding the examination the prisoner had learned of the failure of his appeal from electrocution. The examiners did not feel, however, that the entire condition was the result of this factor, but that the prisoner was suffering from mental deterioration.

CASE Q



Prisoner: Negro. b. Moore County, North Carolina, April 29, 1905
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Probable Subnormality in General Intelligence with Psychopathic Condition
Chronological Age: 22 Years (1927)
Mental Age: 10 Years, 4 Months
Intelligence Quotient: 65.

Physical Characteristics:

The prisoner is five feet, five inches in height and weighs 137 pounds. He has rough, black skin and is rather stooped. He is 22 years old (1927) having been born in Carthage, N. C., April 29, 1905.

Early Home Conditions:

An illegitimate child, he never knew his mother, father nor any of his relatives. He never attended school and has led a migratory existence all of his life.

Story of the Crime Charged:

He had been living in Chowan County about two or three months, and while there he became associated with A, whose reputation was very bad and who had had many court convictions and had served several sentences for various offenses. One evening at dusk the prisoner and A waylaid on the highway an elderly white man who was returning to his home from the town of Edenton where he had been selling his farm products that day. The old man was held up and robbery was attempted. He resisted and was shot in the breast.

Just after the murder, as the boys were about to escape with his money, the glaring headlights of an automobile approaching around the curve in the road frightened them, and they fled. A general alarm was

raised and the prisoner and his associate were speedily apprehended and brought to trial. On the morning set for the trial, the court appointed two lawyers to represent the defendants. Each of them endeavored to incriminate the other, but both were found guilty of first degree murder and were sentenced to die by electrocution.

Commutation of Sentence:

Soon after they were committed to the State Prison, many reputable white persons of Moore County petitioned the Governor to commute the sentence of the prisoner because of his youth and also because of his low mentality. Both the Judge and the Solicitor refused to recommend commutation of the sentence of his associate, A, but urged that the ultimate decree of the courts be carried out in his case. On Friday, February 18, 1925, A was electrocuted, and just before entering the death chamber he confessed to firing the shot that killed the old farmer. He said that the prisoner also fired at the victim, but missed.

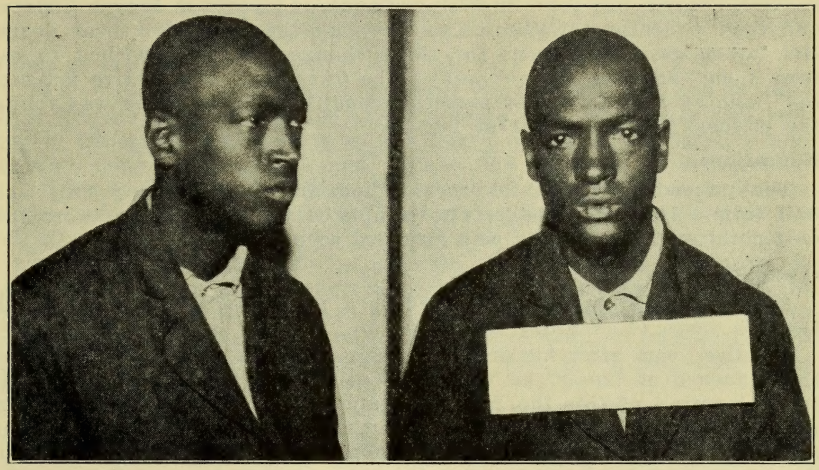
After giving six hearings to those urging commutation for the prisoner, the Governor issued the following statement in commuting his sentence.

"The prisoner appears to be only about 18 years of age, and it is represented to me by reputable persons from his home in Moore County that he is much below normal in mentality. Several petitions, signed by a great many citizens of the county and community in which the crime was committed, were presented in this case. Taking into consideration all the facts in the case, particularly the urgent recommendations of the Solicitor, concurred in by the Judge, in whose opinion and general attitude in matters of this kind I have very great confidence, I hereby commute the sentence of this prisoner from death to life imprisonment".

Mental Condition:

The prisoner's chronological age is 22 years (1927). His mental age is ten years and four months, and his intelligence quotient 65. The results of this examination are not clear-cut. The range of successful responses is much wider in this case than usual, extending from the basal age of eight years through the 16 year group. There is an unevenness in response that indicates a psychopathic condition rather than one of definite feeblemindedness. Frequent fine tremors of the head and occasionally of the body, which the subject claims to have had as long as he can remember, suggest there is a definite involvement of the neural system, and that thorough examination by a neurologist would be advisable.

CASE R



Prisoner: Negro. b. Wilson County, N. C., November, 1905(?)
Charge: Rape and Murder
Sentence: Death
Electrocuted Sept. 28, 1928
Mental Diagnosis: Subnormal in General Intelligence and Decidedly Psychopathic
Chronological Age: 23 Years (1928)
Mental Age: 5 Years, 6 Months
Intelligence Quotient: 34.

Physical Characteristics:

The prisoner was rather small in build, five feet, four inches in height, weighing 130 pounds. He had dark brown skin, brown eyes, and black curly hair. He was 23 years old, having been born in Wilson County, North Carolina, in November, 1905(?).

His mother states that when he was quite young he had three or more spasms. He was treated for syphilis when he was 19 years old.

Family History:

His paternal and maternal grandparents, all of whom are dead, were slaves. Little could be learned of them except that his paternal grandfather was insane at the time of the prisoner's birth.

His mother and father were born in a rural, undeveloped community. His mother is a very low mental type, while his father, of the "old darky" type, seems to be above the average in intelligence. A cousin on his mother's side was insane.

The prisoner was next to the oldest of ten children. Three of his brothers and sisters died in infancy. His parents could not remember the birth dates of any of their children. His mother, however, did remember that the prisoner "was born on the Monday before the fourth Sunday in November". She is certain of this "fact" because "her aunt and uncle came to see her on the fourth Sunday". One parent said that the prisoner was born in 1904, while the other is sure that the date was November, 1905.

Early Home Conditions:

During the prisoner's youth his father and mother, who were tenant farmers and share croppers, led a migratory existence, living three years in Nash County, two years in Wilson County, 11 years in Wayne County, and then returning to Wilson County where they lived for seven years. His father gave as reasons for these changes "that he wished to return home" and "he did not want to be forced into coöperative marketing", and again, "he wished to better conditions". While he was young the prisoner helped his father farm.

Education:

The prisoner attended the rural school in his community only one half term. He and a sister, who completed the third grade, were the only children in his family who attended school.

Occupations:

From early childhood, he worked as a farm hand, receiving for the last few years $1.00 a day and board.

For two years after his arrest for driving an automobile while under the influence of liquor, he was frequently away from home all night. In explanation of this the prisoner stated that he and his first cousin worked regularly at night for a white man whose home is located about four miles outside the town of Fremont in Wayne County and who, the prisoner claimed, was engaged in the manufacture of liquor. He said that over a period of one year he and his cousin had been assisting in the manufacture of this liquor, each receiving as his pay a gallon of liquor every time a "run" was made. The prisoner claimed that the liquor was manufactured near a spring in a swamp about 100 yards directly back of the white man's house, also that the liquor was "run off" on an average of twice a week. The chief market for its sale, he said, was Wilson, N. C.

Previous Arrests:

At the age of 18 he was arrested for driving an automobile while under the influence of liquor, was found guilty, and paid a fine of $15.00. He was arrested the second time in Fremont for being drunk and creating a disturbance, and was fined $15.00.

Marital Record:

The latter part of 1926 the prisoner married a woman who is totally illiterate and an exceptionally low mental type. She claims to have attended school for one term. One child was born to them. His wife states that many times the prisoner stayed away from home all night and often, when in high temper, had threatened to strike her, and that one day not long before his last arrest he did strike here.

At the time of his arrest for murder and rape, the prisoner, his wife and child lived with his parents in a four room frame dwelling. He and his wife worked for his parents. The home and its general surroundings presented a very disorderly appearance. The rooms were in a very untidy condition, and the two families (eight persons) occupied two bed rooms. About five white families and four Negro families lived in the immediate community. The Negroes said that "they did not know their white neighbors even by name", except one white family which employed many of the Negroes as farm hands.

Habits, Characteristics and Reputation:

During his childhood the prisoner was in the habit of giving way to a very high temper, and on one occasion he threw an ax at his mother

because "she laughed at him when he seemed disturbed because some children had teased him". The members of his family said that he had "racuous spells" and would go off into "tantrums" at times, but if ignored by the family he would soon quiet down. His leisure time was spent in "joy-riding" and in playing an old guitar.

Story of the Crime Charged:

The 15-year-old daughter of a tenant farmer in Great Swamp township, Wayne County, left her father's home soon after dark one evening in December, 1927, to go with a Negro woman to the latter's house to buy some home-made syrup. When she failed to return an hour later, her father set out to look for her, going first to the Negro woman's house where, he found, the girl had stayed only a few minutes. Returning for help, he renewed the search.

Soon the dead body of the girl was found a little way from the path about 45 yards from her father's house. The throat was slashed from ear to ear, one hand was cut to the bone, one wrist was slashed, and a great gash laid open one cheek. Her clothing had been partly torn off. An autopsy disclosed that she had given her life for her honor.

Examination of the ground showed that there had evidently been a terrific struggle between the girl who was rather large for her age, weighing about 150 pounds, and some man wearing heavy rubber boots. Apparently she had broken away and had run a little distance pursued by this man. Indications were that, overtaking her, the booted man had again attacked her and in the struggle which followed had cut her throat. Further search disclosed the fact that the boot-tracks came across a field to the path, and from the spot where the body lay led back across the field.

The officers found the prisoner in his house, apparently asleep. Boots which he owned and which were found in his house fitted exactly into the tracks across the field. These boots were bloody, as were also a pair of overalls found in his house, and a long, sharp knife found under the house. When first arrested, the prisoner explained the bloody knife by saying that "he had just killed and skinned a rabbit". Later, however, he confessed the crime.

Sensational Trial:

Justice, travelling hard on the heels of crime, placed the prisoner on trial for his life barely 60 hours after the body of the girl had been found. When he was first arrested, the Sheriff feared a lynching, and hurried the prisoner to the State Prison at Raleigh for safekeeping. The next morning the Judge directed that he be brought back to Goldsboro, and the trial began. There was every sign that trouble was brewing in the packed court room. The Judge suggested to the defense lawyers that they take the prisoner into the jury room and confer with him. Half an hour later the court was adjourned, and the crowd, if it had intended lynching the prisoner, had been outwitted, for the prisoner was nearing Raleigh when the court adjourned.

The following morning, which was Sunday, long before the hour set for the opening of court a crowd packed the court room and several hundred people waited silently outside. The court was soon thrown into pandemonium when an uncle of the murdered girl precipitated what seemed to be a well-planned attempt to take the prisoner from the court room and lynch him. Beside the uncle stood the girl's father and behind him a number of relatives and neighbors. With a cry of "Take him!" the uncle grabbed the prisoner by the throat, pulled him out of

his seat and tore his shirt from his body. Those apparently in collusion with him surged forward. The Sheriff threw himself between the prisoner and the leaders of the attempt at lynching, seized the prisoner, and fired his pistol twice into the ceiling of the court room. The would-be lynchers retreated. The Sheriff, still holding the pistol on the crowd and pushing the prisoner behind him, backed toward the door of the jury room. The court room was soon in an uproar, many spectators hurrying toward the exits.

The Judge directed that the prisoner be taken out until the crowd could be quieted. With pistol in hand he stated that he would shoot the next man who attempted to lay hands upon the prisoner. He ordered that the victim's uncle who had started the trouble be taken into custody. In half an hour troops marched into the court room. The Sheriff brought the prisoner in again and the Judge again warned the crowd that he would not tolerate any disorder.

The trial proceeded and the jury, after hearing evidence for three hours, retired and returned within 15 minutes with a verdict of "guilty as charged". They had been instructed by the Judge that one of two possible verdicts could be returned, guilty of first degree murder or innocent. The prisoner did not testify, but sat through the trial dumbly, without moving. He heard his sentence of death pronounced apparently without comprehension.

Upon pronouncement of the sentence the Sheriff led the prisoner down a lane of soldiers and out of the door which was immediately locked. Before the doors were unlocked and the crowd allowed to leave, the prisoner was on his way to Raleigh in an automobile.

When the prisoner departed for Raleigh under sentence of death it was just 66 hours after the girl had been killed. This was one of the rare times, if not the only time, that a court had ever sat through the Sabbath in North Carolina. It was also the first time that a Judge had ever handled a pistol on the bench.

He was tried a second time at Pittsboro on June 10, 1928. Two details of the National Guard were present. The testimony given at the first trial was repeated and the verdict and sentence were the same.

Appeal to Supreme Court:

Immediately following his sentence of death, the prisoner through his attorneys filed notice of appeal to the Supreme Court. He appealed in forma pauperis. The name of only one of the two attorneys appointed by the court to defend the prisoner was signed to the appeal. The other lawyer said that he believed that the prisoner got "a fair trial", and that, therefore, he could not continue his efforts to keep him from the electric chair. Full details of the extradordinary attempt to take the prisoner from the bar during the progress of his trial were contained in the appeal. The record proper contains only four exceptions, three being to testimony as to alleged confessions by the defendant and one to that portion of the Judge's charge in which he instructed that there was no evidence to justify a verdict of second degree murder or manslaughter, and that the jury confine their deliberations to the alternative of guilty of murder in the first degree or not guilty. However, the two principal exceptions taken are not to the record proper but are based upon the following memorandum by the Judge who presided:

"The prisoner was carried to the State Prison immediately after he was arrested and kept there until brought back for trial. Court was in session and a true bill was returned by the grand jury in a body. The court requested the older members of the Goldsboro Bar to confer with

him and the solicitor upon the question of an immediate trial. It was the consensus of opinion that an immediate trial should be had, that owing to the atrocity of the crime and the high feeling that would necessarily follow the news of the murder, it would be impossible to secure a jury in the county of Wayne at a subsequent term of court. A trial was agreed upon, Messrs. A and B were appointed by the court to defend the prisoner, who was without funds, and every opportunity was afforded them for the preparation of the defense. Mr. A visited the prisoner in jail, and after a conference with him stated to the court that the only defense they could possibly interpose would be that of mental irresponsibility. The court then asked Mr. A if he wanted any experts in mental diseases to examine the prisoner and Mr. A informed the court that he wanted the Superintendent of the Colored Insane Asylum at Goldsboro to examine the prisoner. The court then had the superintendent called over the phone and he very readily consented to visit the prisoner and examine him; and this was done. The superintendent was thereafter used as a State's witness, and his testimony appears in the case on appeal. There was no request for a continuance and no motion made at any time for a mistrial. The case on appeals shows each and every move made during the trial, except what now follows:

"While Deputy Sheriff C was on the witness stand and while the court room was crowded to its full capacity, the father of the deceased girl and her uncle, approached the prisoner and, before anyone was aware of his intentions, seized the prisoner by the collar of his coat and attempted to drag him from the bar and into the main body of the court room toward the front door. A number of persons in the audience shouted 'take him, take him!' and a part of the crowd attempted to assist the two brothers; but the greater part of the audience either remained standing or attempted to get out of the doors. The sheriff rushed into the crowd, seized the prisoner, wrested him away from the girl's uncle and took him into the jury room, immediately to the rear of the witness stand. He left the prisoner in the jury room with a deputy, returned to the court room, and as the audience was in somewhat of a turmoil, fired his pistol at the ceiling in order to quell the tumult. The court ordered the Sheriff and his deputies to stand by and prevent any further demonstration and stated to the audience that any further attempt upon the life of the prisoner would be met by force. The local military company had been directed by the Adjutant General to hold itself in readiness in case of an emergency, and it had been agreed that the company should assemble in the armory and be in full uniform by 9:30 o'clock on Sunday morning when the court assembled to continue the trial. The signal for help was to ring the courthouse bell, which was done; and in a few minutes soldiers came into the court room, some six or seven of them, and formed a cordon about the prisoner during the remainder of the trial. There was no further demonstration and the trial proceeded in an orderly manner. During the foregoing demonstration the jury sat in perfect order and did not appear to be at all disturbed; and the court charged them, as appears from the case, not to be influenced by what had occurred. This memorandum is made by the court of its own motion, for the information of the Supreme Court, as no exception was taken by the prisoner at the time".

The appeal was denied.

Statements of the Prisoner:

While awaiting the hearing of his appeal by the Supreme Court, the prisoner from his cell in death row at the State Prison made repeated

statements that he had been regularly employed by the father of the murdered girl to help him manufacture liquor; that he was paid a gallon of whiskey for each "run" and that he was drunk on the white man's liquor when he attacked his daughter. This statement was made in the presence of the Superintendent of the State Prison, a State welfare worker and three newspaper men.

Investigation of the prisoner's story resulted in partial corroboration and partial denial. The prisoner's father said that his son had told him that he had been working for the girl's father at his still, and that on several occasions the prisoner had brought liquor home, saying that it had just been made. The prisoner's wife said that he was often away from home at night, many times all night, and that she did not know where he went.

Following directions given by the prisoner, a trip was made from the home in which the father of the murdered girl lived at the time of the crime to the place where, according to the prisoner, the whiskey was made. The remains of fires were found near a spring, as the prisoner had described the place, and an open spot in the dense thicket bore signs of recent activity there. Nearby, partly hidden in the thick undergrowth, a copper still was found. The boiler had been cut with an ax in many places, and these cuts apparently had been made not long before the discovery of the still by the investigators.

Evidence against the prisoner's story came from the father of the murdered girl himself, who claimed that the still in question belonged to a man, D, who lived in the same house before he did. He further stated that the still had been abandoned before he went there to live two years previous.

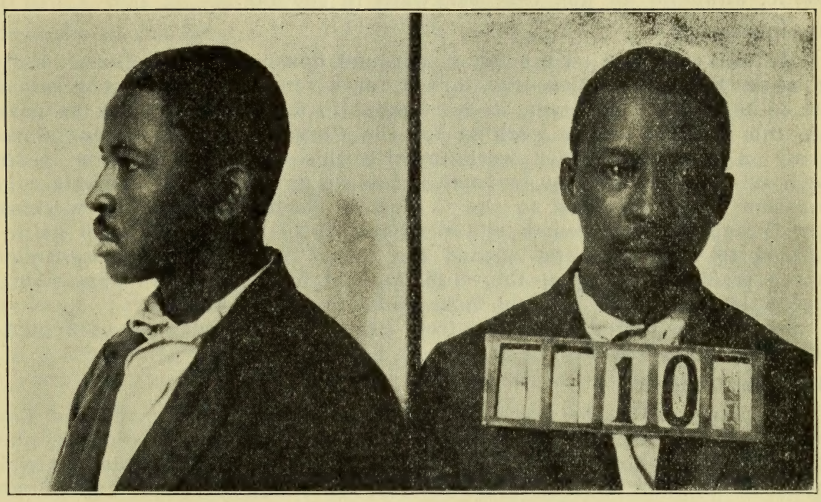
The records show a man, D, arrested for illicit distilling about four years prior to the finding of the still in question; and other information brings to light the fact that D has not lived in the county for almost four years.

The girl's father stated further that he not only had never made any whiskey, but also had never bought any. He denied the prisoner's statement in toto, and said that the only time the prisoner had worked for him was for half a day when he had hired him to do some plowing; that though he knew whiskey was being made in the community, he himself had never seen a still "rigged up". White people of the neighborhood and a deputy sheriff stated that the girl's father bore a very good reputation in the community.

Mental Condition:

Great difficulty was experienced in making a satisfactory diagnosis because the examiner is of the opinion that the prisoner was never of normal general intelligence, and thinks it doubtful whether there had not been some deterioration, thus making him lower than he was originally. His chronological age was 23 years (1928); his mental age, five years, six months; his basal age, three years, eight months; and his intelligence quotient, 34. In addition to his subnormality in general intelligence, he was decidedly psychopathic.

CASE S



Prisoner: Negro. b. Baltimore, Md., September 25, 1889
Charge: First Degree Burglary
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Chronological Age: 38 Years (1927)
Mental Age: 11 Years, 9 Months
Intelligence Quotient: 73.

Physical Characteristics:

The prisoner is five feet, seven inches in height, and weighs 135 pounds. He has coarse features, piercing eyes, dark brown skin and kinky hair and moustache. He reports an attack of typhoid fever. Otherwise, his health has been good. He is 38 years old (1927) having been born in Baltimore, Md., September 25, 1889.

Family History:

His maternal grandfather died in Baltimore of cancer in 1908. His maternal grandmother, who was born in California, also died in Baltimore in 1912. Her age and cause of death are unknown. No trace could be found of his paternal grandparents.

His mother was born in California and died in Baltimore in 1925 at the age of 76 years, cause of death unknown. She had two sisters and two brothers, all of whom are living, but no data about them can be secured.

The prisoner never knew his father.

He has one brother, 45 years old, and one sister, 47 years old, both of whom are living. One brother died in infancy.

Early Home Conditions:

The birth status of the prisoner could not be determined, but he is probably illegitimate. He was born in a two story, seven room brick dwelling which was occupied by six members of his family and for which they paid $23.00 a month rent.

Education:

Although he was 18 years old when he reached the fifth grade in school, his attitude toward school was good and he excelled in arithmetic, although he was very backward in spelling.

Occupations:

He was employed as fireman in a round house of the C. and O. Railroad in Baltimore where he worked for seven years, earning a salary of $5.20 a day. However, as he wanted to make more money he gave up this job and began working for the Chesapeake Coal Mining Company in Virginia. After working with this company for three years at a salary of from $6.00 to $9.00 a day, he grew "tired of ducking cold weather", and returned to the C. and O. Railroad, this time working for three years as fireman and receiving $5.20 a day. In 1920 he returned to Baltimore and opened the Star Pressing Club. Because of much traffic in liquor at this club, he said he arranged to have police protection for which he paid from $5.00 to $17.00 a week.

During one period of escape from prison he was engaged as a bootlegger in Cherrytown.

Previous Arrests:

In August, 1920, he was arrested for receiving stolen goods and was sentenced to five years in the Maryland State Prison. He escaped, and moved to Arlington, Va. Soon after his arrival in Arlington, he was arrested for burglary, and sentenced to 10 years in the Virginia State Prison, but was transferred to the Castlewood Camp in Wise County, Virginia. Near the end of 1924, he again escaped and went to Charlotte, N. C., by way of Spartanburg, S. C. His record shows three or four other convictions, one for housebreaking, the others for stealing. No violence was offered in any.

Marital Record:

He had been promiscuous in his relations with women and had lived with one before his marriage to a woman of Waxhaw in Cherryville in 1924.

At the time of his last conviction for first degree burglary, he was living with his wife in a rented six room, two story frame dwelling in Charlotte. A stepdaughter, aged 20, and a stepson, aged four, are now living with their mother in Charlotte.

Habits, Characteristics and Reputation:

He was addicted to the use of alcohol and tobacco. Although he was a member of the Lutheran Church in Baltimore, he attended infrequently. At the time of his conviction he had no church affiliation.

Story of the Crime Charged:

The prisoner was discovered at night in the home of a physician in Gastonia, N. C., while he was in the act of opening some drawers. He was in a downstairs room which was not a bed room and was not occupied as sleeping quarters by any of the people in the house. A pocket-book and some clothing were found scattered around on the floor. The doctor, a man of tremendous physique, weighing more than 200 pounds, surprised the prisoner who is small and weighs about 135 pounds. The prisoner who attempted to escape through a window, but was caught, and thrown on the floor where he still struggled in his attempt to escape. When brought to the police station he was unconscious as a result of the doctor having pounded his head on the floor.

Evidence showed that the prisoner was unarmed and had been drinking heavily. He had a flashlight on his person, but nothing else of

value. When questioned at the jail, he stated that he did not remember having gone into the house, nor anything that happened thereafter until he regained consciousness in his cell. He stated further that he was so drunk that he did not know what he was doing.

Incidents of the Trial:

At the time of the trial, the prisoner's attorneys offered to submit to second degree burglary which the acting Solicitor accepted. However, as the Solicitor was sick and the doctor whose house had been entered protested, the submission was not tendered.

The prisoner was convicted of first degree burglary and was sentenced to death at the April, 1927, term of Superior Court of Gaston County.

After the trial, his attorneys went in behalf of their client to the presiding Judge, who told them that he did not feel that there was such serious aggravation that the prisoner merited the death sentence. However, he said that as the jury had brought in a verdict of guilty of first degree burglary, under the law he would be compelled to pass the death sentence, but he would request that the Governor commute the sentence to life imprisonment, and he felt sure that the Governor would assist the court in making this change.

Commutation of Sentence:

Immediately after the prisoner's conviction and sentence, a petition requesting executive clemency was received by the Governor. This petition was signed by more than 300 representative white citizens of Gaston County, including all 12 jurors who tried the case. The petition requested that the sentence be commuted from death to life imprisonment "by reason of the fact that the evidence disclosed and the circumstances surrounding the commission of the crime indicated that the offense is not of sufficient aggravation to warrant the death penalty".

In addition to the petition, letters in behalf of the prisoner, recommending commutation of sentence were received from the trial Judge, the Solicitor, a large number of the local bar, many prominent white and Negro ministers, the Commander of the Gaston Post of the American Legion, the Sheriff, Clerk of the Superior Court, Clerk of the Board of County Commissioners, Register of Deeds, and Superintendent of Welfare, all Gaston County officials. The substance of these letters was "that the facts and circumstances in this case did not merit the infliction of the death penalty".

The Recorder of Gaston County who found probable cause in this case states:

"My feeling at the time, after hearing all of the evidence, was that the offense had been clearly technically committed. I then felt and now feel upon the evidence that the Negro entered to commit larceny, certainly without intent at the time of entering to commit anything more heinous. He was unarmed, small of stature and made every effort to effect an escape without the offer of violence. The appeal for consideration, be it to their great credit, comes from the ruling class in behalf of a strange Negro in whom they absolutely have no other interest than to see justice meted out and they desire to encourage a righteous and just fulfillment of the spirit of the law. It would be easy from certain standpoints to pass the matter up and let the case take the course leading to the electric chair. Likely it would soon be forgotten and the matter ended from some viewpoints, but the matter of community conscience would remain for a long while uneasy with the feeling that a wrong had been worked by an excessive and unnecessary demand of the law".

In a letter addressed to the Pardon Commissioner under date of May 23, 1927, the Governor said, "Generally speaking, I am not in favor of inflicting the death penalty for burglary unless the facts disclose a very unusual case".

The only opposition to executive clemency came in a letter from the doctor into whose house the prisoner had entered. He wrote:

"I take it that intent of the law was and is to make our homes safe for our wives and children in our absence as well as for our own protection when at home. If this law does not fit his crime, then I feel sure that it should never have been considered and should be taken from the statutes".

The following statement from a letter to the Governor from a prominent attorney of Gastonia is interesting for comparative purposes:

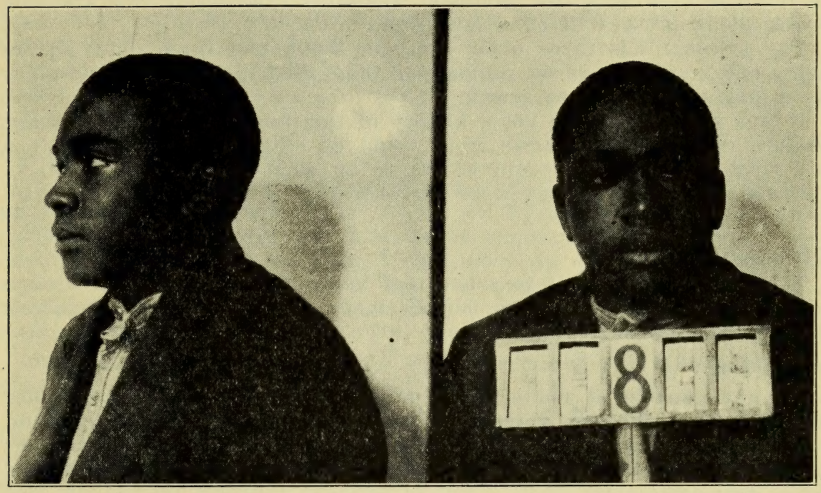
"At the term of court following that at which the prisoner was convicted, I represented a white man who was charged with the same offense and who probably was even more guilty in that he entered a room in which a little white girl was sleeping and placed his hands upon her person, but I succeeded in keeping the matter out of the newspapers, plead guilty of second degree, and got him off with a two year sentence. Consequently, I feel that just because it was a prominent citizen's home which was entered, there should not be such marked difference in the punishment. But the responsibility for that is on the court—not you".

The prisoner's attorneys gave notice of appeal to the Supreme Court, but failed to prosecute it, although he was allowed to appeal in forma pauperis. Due to his failure to prosecute the appeal, motion of the Attorney General to docket and dismiss was allowed. January 6, 1928, was then set as a new date for the prisoner's electrocution. In order to give the Pardon Commissioner more time a investigate the case, the Governor granted a reprieve of one day, which set January 27 as the date of electrocution. On January 23, 1928, the Governor commuted the prisoner's sentence from death to life imprisonment.

Mental Condition:

The prisoner's chronological age is 38 years (1927). His mental age is 11 years, nine months; his basal age is 9 years; and his intelligence quotient 73. The range of his successes in the tests was between the nine and the 14 year groups.

CASE T



Prisoner: Negro. b. Franklin County, North Carolina, 1899
Charge: Rape
Sentence: Death
Sentence Commuted to Life Imprisonment
Present Location: Criminal Department, State Hospital for Negro Insane at Goldsboro
Mental Diagnosis: High Grade Imbecile and Epileptic
Chronological Age: 18 Years
Mental Age: 6 Years, 4 Months
Intelligence Quotient: 40.

Physical Characteristics:

The prisoner is five feet, four inches in height, and weighs 130 pounds. He has dark brown skin, a receding forehead, flat nose, bad teeth and high palate. His Wassermann test is negative and he has no history of syphilis. He complains of a general feeling of lassitude. He is 18 years old, having been born in Franklin County, North Carolina, in 1899.

He was apparently normal at birth, although a very large child. Some time between the age of two and three years he had his first spasm which apparently was not preceded by any illness. According to all evidence, the convulsions occurred at very frequent intervals until he was about five or six years old—sometimes as often as two or three times a week. From the time he was six years old until within the last year or two he had, on an average, two or three spasms a month. For the last year they have occurred about once a month, sometime skipping a month or two. Recently they have grown more severe and of longer duration. There seems a marked tendency for the convulsions to occur at night, usually starting on the left side.

Family History:

His father is dead—cause of death unknown. He seemed, however, to be normal. His mother is living and appears to be below normal

mentally, is unreliable in her statements and excitable. Although capable of doing routine farm work, she is considered by the community to be "crazy". She has one sister whose three children are epileptics. One of these is of a very low grade of mentality; the other two are able to get along fairly well on a low level.

The prisoner has three older brothers living and three older sisters living and married. Seven younger brothers died in infancy. One older sister died after she was grown.

It was very difficult to get a history of this family or of the prisoner because nothing like a clear story could be obtained from the mother and very little reliance could be placed on what she said. Such facts however, as were obtained were corroborated by the testimony of two or three other people.

Education:

The prisoner was sent to school for various lengths of time over a period of three or four years, but he made no progress in his studies. He can read and write only a very little.

Occupations:

He was capable of doing only routine farm labor, and then under supervision, as he had a tendency to forget what he was doing and wander away whenever a definite task was assigned him. Three or four years ago he wandered away from home and was lost for two or three days.

Marital Record:

The prisoner is unmarried. He says that he has had sex experiences since he was a small boy, and does not see anything wrong about it.

Habits, Characteristics and Reputation:

He claims that he never used tobacco in any form, and that he never tasted whiskey or other intoxicating liquors. He says that he joined the Baptist Church when he was 11 years old because his people wished him to join. Before the crime for which he was convicted he had no criminal record.

Since he entered the State Hospital for the Negro Insane, July 15, 1927, he seems to be happy-go-lucky and lazy, with no idea of time —month, season or year, nor of how long he has been there. He helps a little about the wards, but the attendants have to keep behind him in order to get him to do anything like sweeping or making beds. He has rather a good disposition and seems to have no difficulties with the other patients. Since his commitment no friends or relatives have visited him at the hospital. He does not seem to care that no one comes to see him or writes to him, and apparently he does not realize what a life sentence means.

Story of the Crime Charged:

Evidence presented at the trial was to the effect that the prisoner committed the crime of rape on a little white girl three and a half years old. The prisoner says that the child used to come with her brother to his house to play with his younger brothers and sister, and that on some of these visits the child would follow him around, and he would stop and play with her.

One day while they were a little way from the house in a small pine thicket, the prisoner attempted to assault the child. Returning home, she told enough to cause his arrest. In speaking of the crime, the prisoner does not seem to think that he did anything especially wrong.

During the trial evidence of the prisoner's mental weakness, epilepsy and probable insanity was presented. However, the jury found that he had mind enough to be capable of committing a crime; that is, mind enough to know right from wrong. He was convicted of rape at the May, 1927, term of Superior Court of Franklin County and was sentenced to death by electrocution.

Because of his observation of the prisoner during the trial, the Judge recommended that he be placed under observation by those qualified to pass on his mental status.

Commutation of Sentence:

Immediately after his conviction numerous petitions signed by representative citizens, white and Negro, in Franklin County were presented to the Governor, asking executive clemency because of the prisoner's apparently low mentality. Convinced by evidence presented by experts and medical authorities that the prisoner had the mind of a six-year-old child, the Commissioner of Pardons recommended commutation of the death sentence.

In commuting his sentence, the Governor issued the following statement:

"Upon investigation by the Commissioner of Pardons I am advised that the following facts exist:

"The prisoner is a colored boy of the age of eighteen or nineteen years. That he has no previous criminal record. Upon examination by three reputable physicians, such examination having been made at different times, and the examination of these physicians dating over a period of about three weeks, by practicing physicians who are non-residents of Franklin County and who have no personal interest in the case, a report has been made by each physician that the prisoner is feebleminded and is similar in mental development to a normal child of the age of six years.

"The prisoner's past life history shows that the boy from birth has displayed a low order of mentality, that he has been subject to epileptic fits over a period of years. And affidavits filed by eight reputable white people who live near the same farm on which the Negro prisoner was working set forth the fact that the prisoner has been subject to epileptic fits and has always been considered and adjudged by all who knew him as a boy of unsound mind and incapable of knowing right from wrong.

"The Commissioner of Pardons obtained the examination by these physicians after having been requested to examine the Negro's mentality by the trial Judge, who states as follows, 'It is a case, which in my opinion, should receive consideration and I therefore recommend that this man be placed under observation by those in position and qualified to judge, so that a full and correct estimate of his mental capacity may be had and laid before you and the Governor'.

"In addition to the request of the trial Judge, the nature of the crime committed by this prisoner is such that it would indicate mental deficiency and a further examination was made by Dr. A of the State Hospital for the Insane at Raleigh, N. C.

"Dr. A gave the prisoner a very careful mental and physical examination and reports that in his opinion the prisoner is of a subnormal type and a high grade imbecile and one whose mind has developed equal to that of a normal six year old child. Dr. A further reports that in his opinion the prisoner is incapable of knowing right from wrong and recommends that the prisoner be commuted to life imprisonment and

committed to the Criminal Insane Department of the State Hospital for the Insane for the Colored at Goldsboro, N. C.

"In view of the report filed by reputable physicians, who have made a careful examination of the mental condition of this prisoner, and acting upon the opinion of not only men qualified to understand the mental condition of this prisoner by reason of their medical training but also upon the affidavits by neighbors who have had the opportunity of observing the prisoner from childhood, and mindful of the fact that a large group of Franklin County citizens have petitioned that by reason of the low mental condition of this prisoner he be commuted to life imprisonment, and believing that the prisoner was incapable of knowing right from wrong within the meaning of the law at the time the crime was committed, and that the prisoner is an imbecile, I do therefore commute the prisoner from the sentence of death to life imprisonment, with the recommendation that the prisoner be examined for the purpose of committing him to the Criminal Insane Department of the State Hospital for the Colored at Goldsboro, N. C."

Mental Condition:

The prisoner is a high grade imbecile. His chronological age is 18 years; his mental age, six years and four months; his basal age, five years; and his intelligence quotient 40.

CASE U



Prisoner: Negro. b. Halifax County, North Carolina, 1902(?)
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Present Location: Criminal Department, State Hospital for Negro Insane, Goldsboro, N. C.
Mental Diagnosis: Feebleminded with Psychopathic Tendencies
Chronological Age: 25 Years (1927) (?)
Basal Age: 2 Years
Intelligence Quotient: 16.

Physical Characteristics:

The prisoner is five feet, eight inches in height, and weighs 165 pounds. He has light brown skin, good teeth, straight hair and blue eyes. Examination showed him to be in good physical condition. Wassermann test negative. He is about 25 years old, having been born in Halifax County, North Carolina, in 1902(?).

He had the usual diseases of childhood, was sick a great deal when a child, and after growing up had several attacks of what was supposed to be malaria—a fever of some kind.

He is reported to have had some kind of fits at intervals, and usually at night, since early childhood. After these he would be quite stupid in the morning and complain of being sore in his limbs and of having a headache. His tongue and sometimes his lips would show signs of having been injured. These seizures have continued until the present time.

Family History:

His father, who is living, has been a heavy drinker, and is in poor health, suffering from chronic heart disease. His mother also is living and in poor health, the character of her illness not determined.

The prisoner is a member of a family of nine children, four boys and five girls. Three younger brothers live at home and help the father with his farm. The prisoner's three older sisters are married and seem to be in good health. Two younger sisters died in infancy.

Education:

The prisoner attended a rural school rather irregularly during several winters. Because of his mental deficiency and also on account of his sickness and work at home he was greatly retarded.

Occupations:

He worked on his father's farm until he was quite a big boy, and then worked for the neighbors. After he was of age, he drifted about, working sometimes as a farm hand, and at other times at odd jobs. He was industrious by spells, but sometimes very indolent and shiftless.

Marital Record:

He married when he was about 20 years old. His wife gave birth to four children, two of whom died when they were a few months old.

Habits, Characteristics and Reputation:

He habitually associated with bad company and drank liquor when he could get it. When he was among good associates and away from liquor he was considered fairly industrious.

Story of the Crime Charged:

On July 26, 1926, at eight or half-past eight o'clock in the evening, A, a jitney driver in the town of Hollister, Halifax County, was employed to make a trip down into Nash County where the prisoner lived. He had in his car B, C, and the prisoner. Soon after arriving at the prisoner's home, the driver of the car, A, was shot twice and almost instantly killed. The State contended that the deceased was shot and killed by the prisoner. On the other hand, the defense contended that C did the shooting, while the prisoner was in the house and away from the scene of the homicide.

It was in the evidence that the deceased was shot with a gun belonging to the prisoner; that the car with A's body in it was driven to a bridge some distance away, where the bloody foot-mat of the car was thrown into the creek; that the car was driven from there to another creek where A's body was thrown into the water; that a watch taken from the prisoner was A's watch; and that when A's body was found his watch chain was in the button-hole of his shirt; and that a knife taken from the prisoner was similar to one owned by A. The evidence further disclosed the fact that early in the morning after the night of the homicide the prisoner came to the house of D, driving A's automobile, and wanted to borrow some license plates. There was other evidence tending to show the prisoner's guilt.

Testifying in his own behalf, the prisoner said that he was invited by B and C to ride with them in A's car, as they were going down into Nash County, by the prisoner's home. This he consented to do and upon arriving at his house, he said, they all stopped for water. Taking advantage of the delay, the prisoner went into the house to get supper. Soon after he began eating, C came to the door and wanted to borrow a gun, saying that he (C), B and A were going down the road to get some whiskey and that they might need the gun before they got back. According to the prisoner's testimony, C took the gun and went out to the car. In a very short time, the prisoner said, he heard two shots. He ran to the door and saw C with the gun. C told the prisoner that he shot A because he would not carry him and B to get the whiskey.

The prisoner further testified that after the killing, he was forced by C, under threats of death, to get in the car and go with them; that they finally let him out of the car near Hollister after repeatedly threatening to kill him if he dared tell what had happened.

The jury rejected this version of the crime. In corroboration of the State's evidence and in support of its theory of the case, the prosecution undertook to show that the deceased was employed by the prisoner to make the trip in question, and not by B and C, as the defendant contended.

The prisoner was convicted of first degree murder at the October, 1924, term of Superior Court of Nash County and was sentenced to death.

Commutation of Sentence:

After being committed to the State Prison, the prisoner showed signs of mental derangement, and his condition was called to the attention of the Governor. He was then placed under observation, and a very careful examination was made into his mental condition by two competent physicians. These physicians and other persons who had occasion to observe the prisoner advised the Governor that there was no question that he was insane, and had been for several months. The Governor, however, hesitated to commute his sentence to life imprisonment and reprieved him four times in order to satisfy himself fully as to whether or not the prisoner was actually insane or merely feigning insanity. The Commissioner of Pardons gave the case his most careful consideration and personal attention by visiting the prisoner and obtaining data concerning him; following which the Commissioner advised the Governor that in his opinion, from all facts obtainable, there could be no question that the prisoner was actually insane.

On September 5, 1925, the Governor issued the following statement:

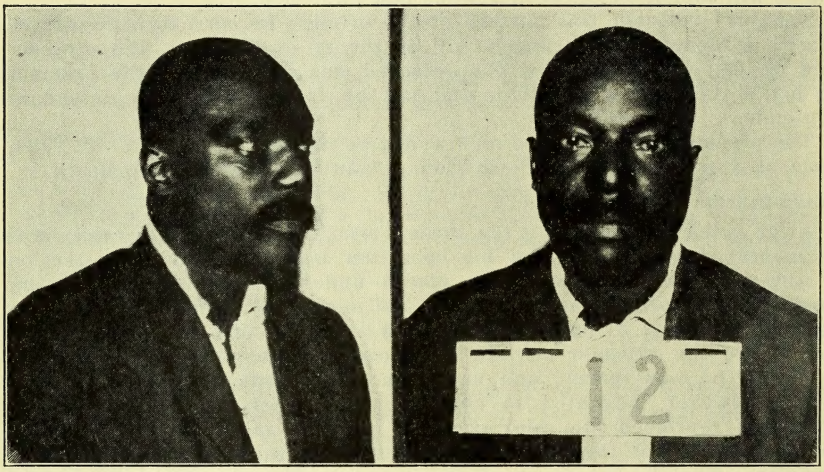
"It is with reluctance that I interfere with the sentence of the prisoner, who was fairly convicted in the courts of so horrible a crime; however, it seems to me to be repugnant to the tenets of society and civilization to cause the death of a man who is insane, even though the offence committed by him may be an aggravated one. While no punishment can be too severe for this prisoner, if sane, the dictates of humanity force me to the conclusion that, on account of his mental condition, there is no other fair and reasonable course to follow, other than to commute his sentence to life imprisonment and I have, therefore, relieved the prisoner of the penalty of death, solely and entirely because of his mental status".

Mental Condition:

The prisoner is feebleminded with psychopathic tendencies. His chronological age is approximately 25 years; his basal age is two years; and his intelligence quotient is 16.

He gave a very unsatisfactory examination due to the circumstances surrounding his commitment. The examiner has positive evidence that the prisoner was pretending to be of lower grade than the examination disclosed. In test two in the three year group the prisoner called a key a spoon, and a pencil a writing piece, and the examiner was unable to secure a more definite answer. Approximately 20 minutes later, when asked to hand the key to the examiner, the prisoner reached immediately for the key, and the pencil was treated in the same way. Other proof of similar nature was obtained.

CASE V



Prisoner: Negro. b. Cumberland County, N. C., June 1, 1887
Charge: First Degree Murder
Sentence: Death
Electrocuted December 9, 1927
Mental Diagnosis: Definitely Feebleminded.

Physical Characteristics:

The prisoner was a strapping Negro who weighed more than 200 pounds and was six feet, two inches in height. He had dark brown skin, brown eyes, and kinky hair. He was 40 years old, having been born in Cumberland County, North Carolina, on June 1, 1887.

He had never been ill except for "a few pains". Examination showed him to be in splendid physical condition.

Family History:

For several generations there had been more or less insanity in the prisoner's family. His father and mother were legally married, and he had nine brothers and sisters.

Early Home Conditions:

Next to the oldest child in his family, the prisoner was born in a one-room log cabin located in a rural section of Cumberland County. In his home the sleeping conditions were very poor, only one bed and two pallets were used by the 12 occupants of this hut.

Education:

He never attended school.

Occupations:

At an early age he began to help in the farm activities of his community. He left home for the first time when he was 16 years old, going then to Hoke County, where he secured employment as a farm hand. He did work of this kind uninterruptedly until his last arrest. For the last two or three years before his conviction he received 50 per

cent annually of the products of a cotton farm of which the yearly average was 16 to 18 bales. He had been connected with some liquor deals to which may be traced the cause of his last trouble.

Previous Arrest:

Previous to his conviction for murder he had trouble with a family of Negroes, one of whom was later a witness for the State at his murder trial. The cause of this trouble was that one of the boys of this family carried the prisoner's daughter away from home, took her money and gave her cocaine, threatening to kill her father if she mentioned it to him. Soon after the girl returned home, there was a shooting affair between the boy's family and the prisoner in which the latter was assaulted with a knife and pistol by one of the boys and his mother. The prisoner shot the boy, and was indicted by the Hoke County Grand Jury, but was never brought to trial. The white people of the community were so incensed against the boy and his family that it was openly said in the town of Raeford that a mob should form and drive them out of the county.

Marital Record:

At the age of 21 the prisoner married. Five children were born of this union. The age of the youngest is five years, and the oldest, a girl, is 20 years old. For two or three years before his conviction the prisoner, his wife and children had been living in a two room frame dwelling which he rented.

Habits, Characteristics and Reputation:

The prisoner smoked and used whiskey to excess. When he was at leisure his chief activity was fishing. As far as could be learned, he got on very well with his parents. He had always borne a good reputation until June, 1927, when he shot the Negro boy. He was a typical "white man's nigger", would accommodate white people in any way he could, and was very popular with them until he killed the white man for whose murder he was electrocuted.

He was extremely egotistic, and was quick to resent insult or injustice, although he did not harbor malice.

Story of the Crime Charged:

A, the white man with whose murder the prisoner was charged, lived in Raeford, N. C., and had a farm in the county six or seven miles away. The homicide occurred at this farm about two o'clock in the afternoon on August 12, 1927.

B, a brother of the deceased, had a grist mill which was not far from the prisoner's home. Early in the morning of the day of the homicide the prisoner saw the deceased at this mill and went from the mill to C's, thence to D's in Cumberland County, and then back to C's to get his wife who had been there since Thursday. In the meantime the deceased had returned to his farm.

The prisoner and his wife on their return from C's place were travelling in a two-seated open car. On the way home they went by the farm where A, the deceased, and E were doing some work about the barn. There the roads crossed, and the prisoner turned from the Puppy Creek Road into the Mail Road, stopped his car and called to the deceased.

As to the subsequent events, there is sharp conflict in the evidence. E, one of the Negro boys who had attacked the prisoner in the previous shooting affray and who lived about 100 yards away, testified for the State as follows:

"About two o'clock I was in the porch and I saw the car drive up there and turn off right there and stop. I looked down the road and I saw Mr. A come up to the car. He came up there, and he put his foot upon the running board, and he talked to who was in there, but, mind you, I didn't know it was the prisoner. He talked a few minutes, about as long as I have been sitting here, I guess, and he took his foot off the running board, and he sort of turned away—he was this way (illustrating), and he turned away, and I think they were done talking, and by this time the shooting took place, and Mr. A turned, stumbled over that way, and he went over that way, and the car pulled out, and he went back there a few steps and he fell. I know he just fell—about the length of himself he fell—I think that. I heard two shots. When the shots were fired Mr. A wasn't anywhere from the automobile. He had just passed the hind end of the car, going that way. The car was going that way, and he hadn't turned far enough from the car to be anyways from it. He hadn't went nowhere from it, he didn't have time to go nowhere from it. Mr. A went back that way as far as he did go. I don't know how he got down there, whether he just fell that far, or whether he walked a little bit before he fell.

"After a short while I went up there to see where he was. He had disappeared out of my sight, and I went up there to see what, if I could discover where he was, and I seen him prostrated in the road there. He was just lying there, and I couldn't tell what condition he was in because I didn't have any reason to trouble unless someone with authority, like a doctor, to put hands to him or nothing at all. I discovered, though, that he was dead. There wasn't any fussing or loud talking or anything like that. There was no fight of any kind. This was an open car, had a top on it, but I don't recall whether it was a one or two-seated car. Just whenever the pistol shot then the automobile pulled out. The engine of that car stopped running when he stopped there".

Throughout his testimony the prisoner frequently referred to the deceased as "Mr. Paul", A's first name, a custom common among Negroes when addressing whites. This is important in view of what the prisoner alleged to have been the cause of the murder. He testified in part as follows:

"I knew Mr. Paul all my life. I know all of the family. I worked with his father. I had known Mr. Paul 27 or 28 years. Mr. Paul A and me, nor any of his family, ever had any trouble. I never had any ill feeling towards him or any of his family. I saw Mr. Paul A on August 12. I first saw him on that day at Mr. B's mill, early that morning.

"I left Mr. C's to go home, and going from Mr. C's to my home I must travel the Puppy Creek Road to the crossing of the Mail Road at Mr. A's place, turn in at the Mail Road to go to my house. I did not know that Mr. Paul A was at the farm until I got there. I did not expect to see him at all. When I saw Mr. Paul at the barn, I stopped to see if I could get some work from him and see if he wanted some corn. I had sold Mr. B 16 or 17 bushels of corn and I wanted to sell some more corn.

"When I saw Mr. Paul at the barn I stopped and called, 'Hey, Mr. Paul!' and he came to the car immediately. He walked up on the left side of the car where I was sitting. My wife had a bag in the car, and when he came up to the car he asked what was in that bag. My wife replied, 'I have been off working'. I had a walking stick in the car between the back of the front seat and the coat rack. Mr. Paul grabbed the stick and said, 'I will learn you how to call me "Paul"!' Mr.

Paul took the stick and began hitting me. He struck me side of the face and on the back of the head, and I grabbed the pistol and shot him. The reason I had the stick, I had hurt my foot and had been using the stick for a walking stick. (The stick was produced in court and was identified by the prisoner as the one Mr. A had hit him with. It was of seasoned dogwood, about the usual size of a walking stick). It was not broken before Mr. Paul struck me with it. He struck me right there, on that bone (indicating cheek bone), and made that big scar, and he hit my head up there. I shot him while he was beating me. I wouldn't have done it for nothing. I was just knocked addled".

The evidence is voluminous, but this is sufficient to give a background. The prisoner was convicted of murder in the first degree.

Incidents of the Trial:

After the killing, the prisoner had eluded a mob for a week before giving himself up to the Sheriff of Cumberland County. He denied that he had sought to escape the authorities, but said he had run from mob violence. After A was killed, very strong race feeling was aroused. The attorneys for the prisoner stated that "the defendant in this case was forced into the trial under conditions where it was impossible for any judge, however honest and sincere he might be, to render him a fair and impartial trial".

The deceased had had a reputation for being intolerant and tyrannical toward Negroes, and a large number of intelligent, unbiased white people in the community did not believe that the prisoner went to A's farm for the purpose of creating any trouble whatever. There was a profound undercurrent of sentiment in behalf of the prisoner among the best white people of Hoke County, but because of the many influences against him these people who were favorable to him were afraid to make themselves known and to express their honest convictions.

Petition for Clemency and Reprieve:

A petition for executive clemency signed by a large number of prominent white citizens of Hoke County was presented to the Governor after the prisoner's conviction. In the meantime, the prisoner's appeal to the Supreme Court was heard, his case reviewed, but the court could find no error, and declined to order a new trial.

Immediately following the handing down of the opinion by the Supreme Court, the Governor granted a reprieve of 30 days to permit the Pardon Commissioner to investigate the case more fully. The Commissioner's investigation disclosed nothing that the Governor regarded as justifying him in setting aside the verdict of the jury as the prisoner admitted the killing. The only question was one of first or second degree murder.

In denying the prisoner's application for commutation of sentence, the Governor issued the following statement:

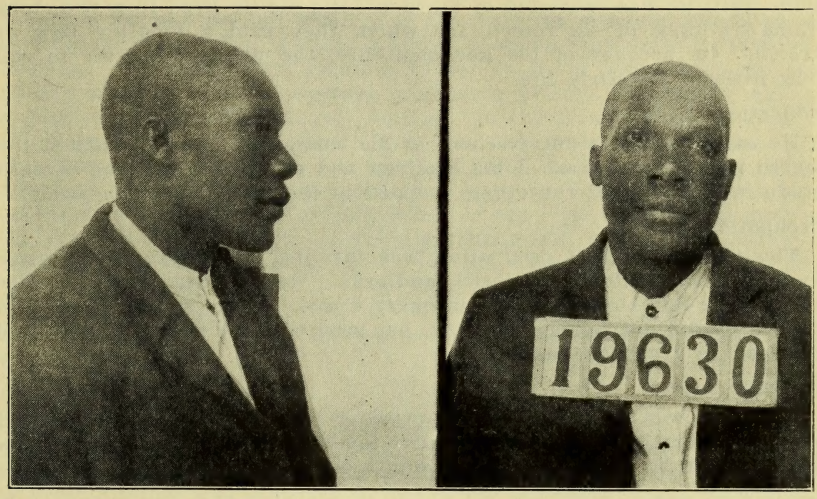
"The prisoner, through his attorneys, having made application that the sentence of the prisoner be commuted from death to life imprisonment, I find the following to be the facts:

"After two hearings at which time witnesses were examined, and after reviewing the evidence and thoroughly discussing the case with the Commissioner of Pardons, who made a personal investigation, I find that the prisoner was ably represented by experienced attorneys at the time of trial in the Superior Court and that through his attorneys he appealed to the Supreme Court and that the judgment of the Superior Court was affirmed. I further find from the trial Judge, that the prisoner was given a fair trial before a jury from Scotland County com-

posed of men who were representative citizens of Scotland County, some of whom are personally known to me as men who would always be conscientious and fair in rendering a verdict. After carefully reviewing all of the facts and evidence surrounding the trial of the case I find that the prisoner was given a fair trial in the Superior Court and I further find that no new evidence has been presented to me which if it had been presented at the time of the trial would have changed the verdict of the jury. In view of the fact that it is within the province of the jury and the courts to hear and pass on the law and the facts in a case, and that after a most thorough investigation and two hearings of the evidence offered by the attorneys for the defendant I do not find any new evidence which has developed since the trial that materially differs from that offered in the court, I feel that it becomes my official duty to uphold the verdict of the jury and the due process of the law. For that reason the application is declined".

The Pardon Commissioner broke the news to the doomed man in his cell on death row. When the prisoner heard that he must die, he took it hard but did not attempt to argue as most condemned men do. He said bitterly, "There is no chance for a nigger. If it'd been a white man they wouldn't done anything to him. . . . If it'd been a white man killed a nigger . . . . ".

CASE W



Prisoner: Negro. b. Union County, North Carolina, May 2, 1893
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded, High Grade Moron
Chronological Age: 35 Years (1928)
Mental Age: 9 Years, 11 Months
Intelligence Quotient: 62

Physical Characteristics:

The prisoner is five feet, 10 and three-quarter inches in height and weighs 154 pounds. He has a drooping head; thick, swarthy skin; and thick lips. He is 35 years old, having been born in Union County, North Carolina, on May 2, 1893.

Family History:

His paternal grandfather and grandmother are dead. She died from cancer. Both of his maternal grandparents, who were slaves, are also dead, and no information could be obtained as to their history.

His father died of heart trouble at the age of 70 years. His mother, 60 years old, is living, and seems to be in good health.

The prisoner had nine sisters and three brothers. One child died in infancy. His oldest sister died of heart disease when she was 37 years old; another sister was murdered at the age of 35 by her husband who claimed that she did not care properly for their children. The prisoner's mother, however, states that the cause of the murder was that the husband, who was mentally unbalanced, suspected his wife of putting poison in his food. A third sister, who is employed in domestic service in Petersburg, Va., is the only one of the adult children of this family who seems to be of good character. An unmarried sister, 20 years old, has a reputation for immorality. The whereabouts of the prisoner's brothers is unknown.

Early Home Conditions:

A legitimate son of his father and mother, the prisoner was born in a rural section of Union County, North Carolina, where he made his home until he was convicted of murder. His family lived in a two story frame dwelling of six rooms, for which they paid a monthly rent of $15.00. On account of his low mentality, the prisoner is able to tell very little of his early life.

Education:

He attended the country school in his community, and completed the fourth grade. Only two of his brothers and sisters reached the seventh grade in school. All the others stopped in the third or fourth grade.

Occupations:

The prisoner's chief occupation was farming, and most of his work was done for white and colored landlords. He was drafted for service overseas in the American Expeditionary Force. When he returned from France he did not resume farming, but secured work with the Seaboard Railroad as a section hand.

Previous Arrest:

When he was 21 years old, the prisoner was arrested for selling half a pint of whiskey. This was probably not an isolated case. He was released under bond, and before he was brought to trial he was drafted.

Marital Record:

After his discharge from the Army, he lived for four years with a woman 24 years old. Later he began to associate with another woman whom he married. They had two children, a girl four years old, and a boy who died of croup when he was a year old.

Some time prior to his arrest for murder, the prisoner and his wife separated. She took the children and went to the home of her mother in Monroe, N. C. Soon she secured work as a domestic servant in this town and left both children at home with her mother so that she could go out to work. After their separation, the prisoner and his wife did not see each other nor communicate in any way.

Habits, Characteristics and Reputation:

For many years the prisoner had a reputation of handling liquor and fighting.

Story of the Crime Charged

On the Tuesday prior to the Friday, March 13, 1925, the prisoner went to the home of his wife's mother for the purpose of taking his infant child to the doctor to have him examined. The grandmother refused to permit him to take the child until her daughter consented to it. The prisoner left the house and came back again on Wednesday when the grandmother stated that her daughter said he could take the child to the doctor. The grandmother, however, said that all the child's clothes were dirty, and she did not want the prisoner to take the baby until she had a chance to wash his clothes, so that the father could take the clothes along with the child. She said that she could not have the child ready until Sunday.

The prisoner left and returned again on Thursday, when the same conversation took place between him and the grandmother relative to his taking the child. On each day that he came to the house, Tuesday, Wednesday and Thursday, he came about 12 o'clock. On Friday he came again and made the same demands in regard to the child. The grand-

mother told him to go and see her daughter, telling him where she could be found.

He left immediately and walked directly to his wife's place of employment, reaching there before she left her work. He waited until she came out and walked with her in the direction of her mother's house, talking pleasantly about getting a house in which they could go to housekeeping. Here the story becomes rather confused because of the conflicting testimony of the persons who were present. A family quarrel ensued, ending in the prisoner cutting the throat of his wife, severing the jugular vein to the bone. She soon died from loss of blood. He then cut his mother-in-law on her head, and stabbed a brother-in-law, 18 years old. Immediately after these attacks, he fled, but was soon captured near the South Carolina line. At the trial the prisoner claimed that he used the knife on his wife, mother-in-law, and brother-in-law in self-defense, stating that they had "jumped on him" and had attempted to beat him.

At the August, 1925, term of Superior Court of Union County he was tried for first degree murder, convicted and sentenced to death by electrocution.

Commutation of Sentence:

Soon after the prisoner's conviction and sentence to death in the electric chair, numerous petitions in his behalf were presented to the Governor, the petitioners raising the question as to whether the element of premeditation was sufficient to justify his electrocution for first degree murder. The Commissioner of Pardons made a personal visit to Union County for the purpose of ascertaining pertinent facts, and especially in order to furnish the Governor with information on which to enable him to pass upon the question of commutation of the prisoner's death sentence to one of life imprisonment.

The Commissioner of Pardons went very thoroughly over the scene of the homicide, that is, the house where the prisoner cut his wife's throat and injured two other members of her family; visited the locality between the home of the wife's father, where she was staying, and the home of the white people a mile away, where she had been at work. It appears that the prisoner went to the place where his wife was employed, between sundown and dark, and started back to her mother's, passing through a dense body of woods to a point approximately 50 yards from the edge of the woods next to the home of her mother, where the pair were met by the mother-in-law.

There was conflicting evidence as to whether the mother-in-law met the pair before or after they entered the woods. The mother-in-law informed the Commissioner specifically and definitely that she did not meet them until after they had crossed the ravine coming towards her house to a point approximately 60 yards from the edge of the wood. The mother-in-law also stated to the Commissioner that the couple were apparently in a friendly mood when she met them and continued so after entering her home up to the time of the homicide.

On November 6, 1925, the Governor issued the following statement:

"The Commissioner of Pardons and I were both convinced that the murder was not one of first degree, but one of second degree, taking the view that if there was premeditation or desire to kill the wife it arose by reason of the Sheriff of Union County having instructed the prisoner at one o'clock on the day of the homicide that he must provide support for his wife and that if such homicidal desire existed, the prisoner would have killed his wife when alone with her in the woods and would not have waited until he was in his mother-in-law's home,

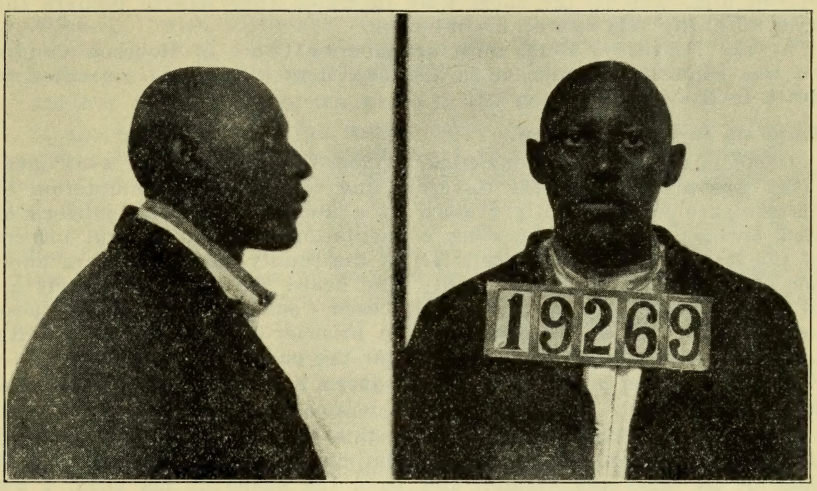
in the presence of several people, among others, an 18 year old boy, who was standing within a few feet of the shot gun in plain view of the prisoner. Relying almost entirely on this simple fact, the prisoner's sentence has been commuted to life imprisonment.

"It is my conviction and also that of the Commissioner of Pardons, however, that this prisoner is a violent and dangerous man and that he is a man of exceedingly bad reputation. It is a case, in my opinion, where for purely legal reasons, the death penalty should not be inflicted, but, at the same time I am equally convinced that it was one of the most bloody and cruel murders in the annals of North Carolina and for these reasons nothing further should ever be done for the prisoner".

Mental Condition:

The prisoner is feebleminded, a high grade moron. His chronological age is 35 years (1928); his mental age, nine years and 11 months; his basal age, eight years; and his intelligence quotient, 62. The range of his successes in the tests was from the eight to the 14 year group.

CASE X



Prisoner: Negro. b. Bennettsville, S. C., 1903
Charge: First Degree Murder
Sentence: Death
Sentence Commuted to Life Imprisonment
Mental Diagnosis: Feebleminded—Moron Type
Chronological Age: 25 Years (1928)
Mental Age: 9 Years, 3 Months
Intelligence Quotient: 58.

Physical Characteristics:

The prisoner is a tall, slim Negro who weighs 140 pounds. He has dark brown skin. He is 25 years old, having been born at Bennettsville, S. C., in 1903.

Family History:

No trace of any relatives except his father and mother, who were farmers, could be found. The prisoner was the legitimate and only son of his parents.

Education and Occupations:

During all of his early life prior to his coming to North Carolina, he had very little opportunity or encouragement to attend school. As a boy he worked as a share cropper for two white farmers, holding one job for five years and the other for four. He also farmed with his parents.

Habits, Characteristics and Reputation:

Before being charged with murder, the prisoner had no court record, nor had he shown any vicious or criminal tendencies.

Story of the Crime Charged:

The prisoner was charged with having assaulted a white man with a brick, striking him on the head, and causing instant death. The crime

occurred at Red Springs, N. C. Robbery was the motive advanced by the State at the trial.

As he was unable to employ counsel, the Judge assigned lawyers to defend him, who in the short time in which they had to prepare the case faithfully represented his interests.

At the February, 1925, term of Superior Court of Robeson County he was convicted of murder in the first degree and was sentenced to death in the electric chair.

Requests for Commutation:

Immediately after his conviction, evidence that he was of weak mentality was presented to the Governor and requests for commutation of his sentence were urgently pressed by a number of leading citizens of Red Springs. Those requesting commutation included several officers of the law as well as practically all of the county officers, a large number of other citizens of the county who heard the trial, and nearly all of the attorneys practicing at the Robeson County bar. Many of these persons were of the opinion that the prisoner struck his victim with no intention of killing him, but only for the purpose of robbery.

The Judge who presided at the prisoner's trial wrote, urging commutation, as follows:

"From the personal appearance of this boy, from his demeanor on the stand and through the trial, from his replies to questions asked him by me after the verdict, and from the shape of his head, I am satisfied that he is sub-normal, and is, in fact, a moron. I questioned him at some length after the verdict, and he did not know what was happening to him; did not know what the verdict meant and apparently presented a mind that was totally blank. I confess that the infliction of the death penalty in this case would, in my opinion, amount to a species of legal murder. I did not set the verdict aside because I felt certain that the Governor would commute the sentence, and I so stated at the time; and if I had set it aside, I could only send him up for thirty years, while the Governor could make it for life—as it should be. He is not fit to be at large; but he is also not fit to die. I am assured by the Solicitor that he is of the same opinion I am, and feels that the boy ought not to die. He is only eighteen years old and I appeal . . . . for the sake of common humanity to commute his sentence to life imprisonment."

The Solicitor wrote to the Governor as follows:

"I have given this matter the greatest consideration, and while I am thoroughly convinced that he has committed a first degree murder, and a very horrible one, I have reached the conclusion that his sentence should be commuted to life imprisonment, and so recommend to Your Excellency such a course.

"My reason for this is that I have talked with a number of men who have known this man for some years, and with a physician who has known him intimately for five or six years, and a number of men who heard the trial have talked to me, and all of these are of the opinion that the prisoner, although about the age of eighteen or nineteen years, appears really to have the mentality of a child, and they have urged me to make this recommendation to you".

A reputable physician of Robeson County made the following statement under oath:

"I have known the prisoner for the past six years, he together with his father having lived on my place for five years, and have had occasion to observe and have observed both his mental and physical condition. After close observation, I will say that I consider him to be an over-

grown Negro boy with a very weak and undeveloped mind. In my opinion, the average white boy of ten to twelve years of age has a stronger and more developed mind than he does.

"For the above-stated reasons, together with others that could be mentioned, I wish to hereby recommend to the Governor of the State of North Carolina, that you commute the death sentence of the said prisoner to that of life imprisonment".

Another reputable physician wrote to the Governor as follows:

"I am writing to ask the special favor of commuting the prisoner's sentence from that of electrocution to that of life imprisonment. I did not know the young man before the trial but I attended the trial and gave special attention to his statements and attitude during the trial and I am thoroughly convinced that his mental condition is far below normal. I do not think that he realizes the seriousness of the crime committed or the punishment which he must suffer. Since the trial, through disinterested persons who have long known him, I have learned much to strengthen my belief as to his weakness of mind".

The Clerk of the Robeson County Superior Court stated:

"I heard practically all of this trial, and there is no doubt as to the boy's guilt. I was impressed with this boy's low mentality. He appears to be an overgrown simpleton, and I doubt if he even now, realizes the gravity of his condition, and in addition to this, he is rather young to suffer the extreme penalty. I understand that he is about eighteen or nineteen years of age, which I am sure you will take into consideration".

A prominent member of the Robeson County bar also wrote the Governor:

"I was present and heard most of the evidence that was introduced against the defendant, and also heard the statement of the defendant himself. So far as his guilt is concerned, I have no doubt about that. I reached the conclusion, however, without suggestion on the part of anyone, that this defendant ought not to be electrocuted. In my opinion he does not have more intelligence than an average white boy at ten years of age. He had every appearance of being simply an overgrown, ignorant Negro, with very low mentality. If he had been a young man of average intelligence, on account of the horribleness of the crime committed, I would have been the last one to have opposed his being electrocuted, but I do not believe that it is right, morally or legally, to take a young boy up with such low mentality, and because a horrible crime has been committed, electrocute him. No one would say that a white boy, even at fifteen years of age, with average intelligence ought to be electrocuted for any crime that he might commit, and this defendant is very much below even that in his intelligence. I have written this letter without any solicitation on the part of anyone. I am writing simply as a disinterested citizen who is opposed to electrocution, or death penalty, under the facts which I think I have correctly stated in this letter".

In addition to the letters from the above named officials, the Warden of the State's Prison indicated to the Governor that from his observation of the prisoner, he was not "mentally responsible".

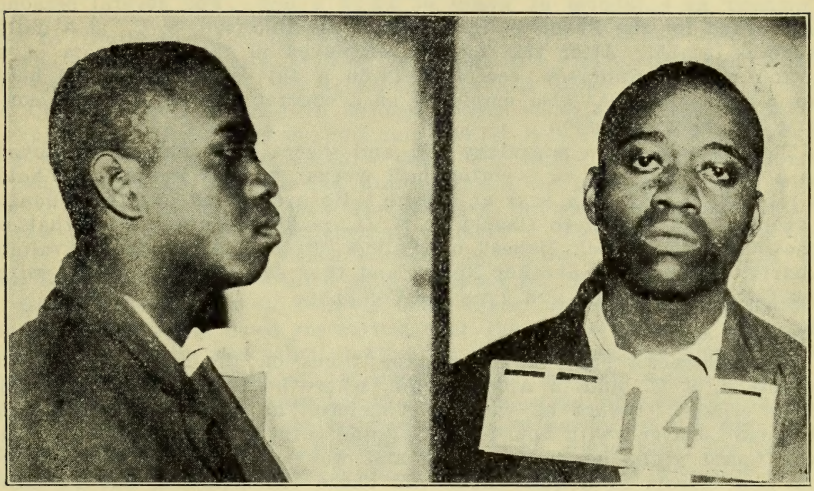
Commutation of Sentence:

Taking into consideration all the facts and circumstances, the Governor issued the following statement: "Notwithstanding the fact that it was known that the petition for commutation was pending, I received letters from only three persons opposing commutation. I do not feel that the death penalty should be imposed in this case; I therefore commute the sentence from death to life imprisonment".

Mental Condition:

The prisoner is feebleminded, of moron type. His chronological age is 25 years (1928); his mental age, nine years and three months; his basal age, eight years; and his intelligence quotient, 58. The range of his successes in the tests given him was between the eight and the 12 year group.

CASE Y



Prisoner: Negro. b. Abbeville, S. C., April 9, 1905
Charge: First Degree Murder
Sentence: Death
Electrocuted February 17, 1928
Mental Diagnosis: Subnormal in General Intelligence and Decidedly Psychopathic
Chronological Age: 23 Years (1928)
Mental Age: 4 Years, 6 Months
Intelligence Quotient: 28.

Physical Characteristics:

The prisoner was five feet, eight and a half inches in height and weighed 150 pounds. He had smooth, light brown skin and brown eyes. He was 23 years old, having been born in Abbeville, S. C., April 9, 1905.

Family History:

The prisoner knew nothing of his paternal grandparents, but said that as he was illegitimate, he took the name of his maternal grandparents both of whom were slaves and died of "old age", so the doctor said. He knows nothing of his other relatives on his father's side except that his father had four brothers and four sisters whose respective ages are: 32, 34, 36, 40, 45, 50, 55, and 65 years. All are living. The prisoner had one sister and one brother, both younger than he.

Education:

He completed the sixth grade at the age of 13 and could read and write. He did not repeat any grade in school and was good in arithmetic. In other subjects he "did pretty good".

Occupations:

He left home for the first time when he was 17 years old, giving as his reason that he "got tired staying home". After leaving home, he worked as a farm hand in Greenwood County, South Carolina, receiving 50 cents a day for his labor.

A first stated that he and the prisoner accosted B; that he (A) shot B, but missed him; that the prisoner then stabbed B in the throat; and

He then worked for another white farmer in the same county, farming on half-shares. His next job was with the Portland Construction Company as a laborer at wages of $2.50 a day. For several seasons he worked for the Farmers' Oil Company in Anderson, S. C., at a daily wage of $2.25. After this he was employed in the card room of a cotton mill in Anderson, receiving $1.50 a day, a job which he held for a year. He was also employed as a concrete worker in road construction near Anderson.

The prisoner led a migratory life, and except when he was employed as a farm hand and as a cotton mill worker he was not able to hold a job for as long as a year at a time. He grew tired of life in South Carolina, and moved to Charlotte, N. C., making his home in what is known as the "Block House" on Palmer Street. After his arrival in Charlotte he met A, another Negro, and they secured employment with the Carolina Concrete and Transfer Company.

Previous Arrests:

The prisoner's name appears many times on the police blotter in Anderson, S. C., and in Augusta, Ga., where he had been arrested for petty crimes. Before he went to Charlotte, he had been arrested in Anderson charged with house-breaking and carrying a loaded pistol. He was found guilty on each charge and was sentenced to 60 days on the city streets or a $200 fine. He chose the sentence, but 14 days after beginning it he escaped, going to Georgia. While he was in Augusta, he was arrested for gambling, found guilty and fined $5.00 which was paid by the manager of the gambling club. The prisoner seemed surprised to learn that the investigator did not know that when police raided a Negro gambling club in Georgia, all fines of those found guilty of gambling are paid by the club management.

Marital Record:

While the prisoner was in Anderson, S. C., he met a woman with whom he lived for six months as man and wife. He said that they soon "broke up". In Augusta, Ga., he lived with another woman who claims that he was the father of her illegitimate child. He soon left this woman and lived with a 19-year-old girl in Augusta. After they had been together for 18 months they agreed to disagree. He then moved to Greenville, S. C., where he met a woman 23 years old whom he married. This marriage lasted for five years, and two children were born, both of whom died at birth. During the period of his marriage a woman of Anderson, S. C., named him as the father of her illegitimate baby who lived five weeks, and also of her one year old boy. She died during the year 1926, and her son lives with his grandmother in Anderson. Another Anderson Negress also named the prisoner as the father of her four year old illegitimate girl. He acknowledged the paternity of all these children and stated that he had from time to time contributed in some measure to their support.

Habits, Characteristics and Reputation:

The habits, characteristics and reputation of the prisoner are indicated in the two preceding sections. He also drank and was a bootlegger on a small scale.

Story of the Crime Charged:

Soon after his arrival in Charlotte, N. C., the prisoner began associating with a bad group, drinking and bootlegging. In Charlotte he met A, and together they planned to hold up B, a white man of Charlotte. B resisted, was shot and instantly killed.

that the two rifled his pockets while their victim bled to death. Immediately after the murder the prisoner and A separated and fled from Charlotte, A going to work on a farm in Davie County where he was later arrested and charged with the murder of B, while the prisoner fled to Rowan County.

The prisoner had met "a New York woman" who invited him to go to Salisbury with her. He spent the day and night with this woman in Charlotte before going to Salisbury, and when they reached Salisbury, friends of the woman from the country met the train and carried her home. The prisoner asked a Negro boy where he could buy some whiskey, and the boy directed him to the home of a white man who told him that he did not have any whiskey, but that he did have some cocaine which was "far better than whiskey". The prisoner gave the white man $2.00 for a small quantity of "snow", and went over to the Negro community, located near a school for Negro youth.

He engaged a room on Bank or Craig Street, he was not sure which, and then visited a small restaurant near the Negro school. While in the restaurant, he was solicited by a woman who made an appointment with him for that night at her home, saying that she was unmarried. After she had left the restaurant, the prisoner got up enough courage to take a few whiffs of the cocaine purchased earlier in the day. He also bought half a pint of whiskey for $1.00 while near the Negro school, carried the whiskey to his boarding place and disposed of it with two women there.

He claimed that he lost his memory soon after this, but when he was closely questioned he succeeded in remembering that he went to some woman's house that night and while he was there a man came in who claimed to be her husband. The man accused the prisoner of trying to take his wife. He apologized by saying he "was sorry", but the woman had told him she was single and had he known she was a married woman he would not have come to the house.

The husband seemed satisfied with this explanation and ordered him out of the house. The prisoner went directly to his lodging. Soon after he got there the husband of the woman with whom he had made the appointment appeared and started to fight. In self-defense the prisoner shot the husband.

In the meantime while he was in Salisbury he had been suspected of knowing something of the killing of B, and a deputy sheriff had attempted to arrest him. The prisoner had thwarted his efforts by shooting the officer who died after lying in a stupor for one day.

With these two shootings behind him the prisoner fled to Spencer, a small town about four miles north of Salisbury. The day after his arrival there a Negro woman in the community, who had learned of the murder of the Deputy Sheriff, reported to the Sheriff the presence of the prisoner, a stranger in the neighborhood. He was speedily arrested, charged with the murder of the Deputy Sheriff, convicted of first degree murder and sentenced to death in the electric chair.

Mental Condition:

The prisoner was 23 years old (1928); his mental age was four years, six months; his basal age and range, three to seven years; and his intelligence quotient, 38. There was great difficulty in making a satisfactory diagnosis in this case. The examiner is of the opinion that the prisoner was never of normal general intelligence, but is doubtful whether there had not been some deterioration, thus making him lower mentally than he was originally. There is no question that, in addition to the prisoner's sub-normality in general intelligence, he was decidedly psychopathic.

CASE Z

Prisoner: Negro. b. Americus, Ga., April 4, 1902
Charge: First Degree Murder
Sentence: Death
Electrocuted June 11, 1926
Mental Diagnosis: Paranoid Dementia Praecox
Chronological Age: 24 Years (1926)
Mental Age: 4 Years, 10 Months
Intelligence Quotient: 30

Physical Characteristics:

The prisoner was five feet, nine inches in height and weighed 161 pounds. He had dark brown skin, brown eyes and black hair. He had a history of syphilis. He was 24 years old, having been born in Americus, Ga., on April 4, 1902.

Family History:

His father is dead, cause of death unknown. His mother is now living in Hartford, Conn., having moved there from Americus, Ga., early in 1921, and first getting work on a tobacco farm. The prisoner was an only son.

Early Home Conditions:

No information could be secured relative to the prisoner's early life.

Occupations:

He accompanied his mother to Hartford in 1921, and got a job as a hotel porter, receiving $22.00 a week, room and board. He soon grew tired of this work, and for two years was engaged as a railroad section hand at wages of $3.00 a day. Until three days prior to his arrest for the crime for which he was electrocuted, he had been working as a laborer with a construction company in the northern part of Rowan County, North Carolina.

Previous Arrests:

While in Hartford, he was arrested, convicted and sentenced to the Connecticut State Prison for not less than three nor more than five years for the crime of assault with intent to commit murder. At the time of his discharge, he was delivered into the custody of the Connecticut Prison Association, as provided by the statutes of that State, and an agent of the association took him to Georgia to an uncle who had agreed to give him employment on his farm and friendly supervision. Soon after he had been placed with this relative, the prisoner wandered away, and was next heard of in Rowan County, North Carolina, where he was arrested for vagrancy and sentenced to the county chain-gang for 30 days. Before he had completed his sentence, his mother paid his fine and he was released.

Marital Record:

The prisoner was unmarried and had been promiscuous in his relations with women for several years.

Habits, Characteristics and Reputation:

He stated that he "used tobacco and drank anything he could get". The physician of the Connecticut State Prison wrote of him as follows: "The prisoner was received at the Connecticut State Prison on March 4, 1921, to serve a sentence of not less than three years and not more

than five years. I remember examining him within a few days after his commitment to the institution and had personal observation of him until his discharge.

"As to some dates, I am referring to the institution records to which I have access, though the facts stated other than dates are from my personal memory.

"At the time of my examination of the prisoner, within a few days after his commitment to the institution, I was unable to determine any mental deficiency or other active psychosis. I did find, however, that he was suspicious, evasive, untruthful, emotionally unstable and very erratic. He was unable to make a satisfactory adjustment to the requirements of the institution routine, and within a short time began to come in conflict with other inmates, officers and the rules of discipline of the institution. He had numerous reports for misconduct and was confined in solitary four times between July 1, 1921, and March 29, 1922. During one period of confinement in solitary, he faked an attempt at suicide in order that he might secure his release from solitary confinement. He afterward admitted to me that this attempt at suicide was faked for the purpose mentioned.

"On March 16, 1922, he became very much excited while employed in one of the prison shops and attempted to start a riot. For this insubordination he was confined in solitary confinement from March 16, 1922, to March 29, 1922, on which date he was removed from the solitary and placed in isolation where he remained until July 7, 1922, when he was certified by me as being insane and was committed to the department for insane of the institution. During his confinement in the department for insane, he continued to commit unexpected and unprovoked acts of insubordination and vicious attacks upon officers and other inmates.

"As I stated before, the prisoner was very erratic. At times he would be quiet, well-behaved, agreeable, friendly, honest and seemed to understand his own short-comings. At other times, however, without apparent cause and without provocation, he would become greatly excited, would show complete loss of self-control and for periods lasting from a few hours to several days he would be absolutely irresponsible. During these attacks of excitement and irresponsibility he would be very violent and would attack anyone who came near him and would destroy everything within his reach, which could be destroyed. In the interval between these attacks the prisoner would be apparently normal, but because of the danger to officers, other inmates and the good order and discipline of the institution, and for the man's own good, I advised against his discharge from the department for insane and his transfer to the prison proper. He was accordingly confined in the department for insane until the expiration of his maximum sentence and his discharge from the institution on May 7, 1925".

Story of the Crime Charged:

From Rowan County, North Carolina, the prisoner went to Winston-Salem, engaged rooms at a club, paid part of his dues, and agreed to pay the balance on the following Saturday night. It seems that he located the laundry where Mr. A, his victim, worked, or, at least, there is evidence that he was in that vicinity on the afternoon when the crime was committed, June 13, 1925. He appeared at this laundry while the money was being counted by Mr. A, and while two other employees were present. The prisoner was masked, and upon entering the building, demanded that everyone hold up his hands. Upon Mr. A's failure to do so, the prisoner immediately shot him. He then rifled

the cash drawer, searched the other men, even taking from them the change in their pockets, backed out of the building, and made his escape. He was soon apprehended by the police, brought to trial and convicted of murder in the first degree at the June, 1925, term of the Superior Court of Forsyth County.

New Trial:

The question of the prisoner's mental condition and his responsibility was brought to the attention of the Judge who presided at his trial, and he accordingly set aside the verdict. The Judge stated that he had observed the prisoner carefully and was convinced that he was not unbalanced mentally, but because of his reported confinement in the criminal department of the Connecticut State Prison, and taking into consideration the statement of the Superintendent of the State Hospital for the Insane at Raleigh to the effect that he had had some doubts about the prisoner's mentality, the verdict was set aside and the prisoner was granted a new trial.

Insanity was practically the only defense set up for the prisoner at his second trial. The Superintendent of the State Hospital for the Insane at Raleigh testified that, in his opinion, the prisoner was suffering from the paranoid type of dementia praecox. It was also the opinion of the Chief of Staff of the State Hospital for the Insane at Raleigh, who had the prisoner under observation for some time, that there was no question that he was insane.

Question was also raised by the attorneys for the defense as to why the prisoner was declared insane by the mental experts of the State of Connecticut and confined in the insane department of the Connecticut State Prison until the expiration of his maximum sentence unless he was insane.

In rebuttal the State offered many witnesses who testified that they saw and talked with the defendant while he was at work on the chaingang of Rowan County and at the quarry immediately following his release. Among these witnesses for the State were the chaingang supervisor, a foreman in charge of road construction, the superintendent of the construction company and the Sheriff of the county. The State did not offer nor attempt to offer the testimony of mental experts or other medical men familiar with mental diseases.

The prisoner's second trial resulted in his conviction on the charge of first degree murder and he was sentenced to death in the electric chair.

Opinion of the Supreme Court:

Appeal was made to the State Supreme Court for a new trial. This court only passed upon the question of law, arising on the record. The following extract from the opinion of the Supreme Court is especially interesting in showing the distinction between the medical and legal theories of insanity:

"There is no evidence on this record that defendant had been adjudged insane by a court which recognizes the same standard of sanity as that recognized and enforced in this State; there is evidence that he had been declared insane by the Prison Physician of the State Prison of Connecticut, and in consequence of such declaration had been confined in the insane ward of the State Prison. It cannot be held that the declaration of the Prison Physician, although made in the performance of his official duty, that defendant was then insane, has the force and effect of an adjudication by a court of competent jurisdiction that he was insane and therefore not responsible, under the law of this State, for his acts

subsequently committed herein. It is manifest from this record that the standards and tests of sanity adopted and acted upon by members of the medical profession, who are admitted experts on the subject of mental diseases, differ so radically from those recognized and enforced by the courts of this State, that it cannot be held as a matter of law, that a defendant who has been declared insane by a physician in accordance with standards and as the result of tests recognized and approved by his profession, is exempt from responsibility to the law for his acts, subsequently committed, because of the presumption of the continuance of the mental condition of the patient, at the time of the declaration to the time when the subsequent act was committed in this State. Such declaration although made in the performance of official duty, can be no more conclusive than the opinion of a physician, given by him as a witness, at the trial, that defendant is insane. It is evidence only, to be submitted to the jury. The physician deals with his patient, from the standpoint of the individual, while the courts, in administering the law, must consider the interests of society as well as of the individual. The physician would heal those who are sick, in mind as well as in body, and where the disease is, in his opinion, incurable and may cause his patient to injure himself or others, his duty is to protect the individual as well as others by isolation and confinement, only; the courts, however, are required to act upon the philosophy underlying the right and duty of the State to punish offenders against its laws, and thus not only undertake the reformation of the offender, but also endeavor to deter others from the commission of crime by the fear of like punishment. Whether or not, a prior adjudication that a person is insane, within the meaning of the term "insanity" as defined by the law in this State, accompanied by the presumption of the continuance of such insanity, should be held to affect the rule as to the burden of proof upon the question of sanity, when involved in an issue of guilty or innocence of crime, alleged to have been subsequently committed by the person so adjudged insane, is not presented by this appeal.

"It should be noted that defendant in this action, although contending that when he killed deceased he was insane because of an incurable mental disease, which is progressive in its nature, does not contend that he was insane at the time of his arraignment and trial. His plea was "not guilty"; not that he was unable to plead, because of insanity. The Superintendent of the State Hospital for the Insane (at Raleigh), an admitted expert, whose long experience in his profession and whose high personal character were doubtless considered by the jury, in passing upon the question of defendant's responsibility for his act, testified that in his opinion, while defendant is insane, because suffering from a disease known as dementia praecox of the paranoid type, he knew that his act in shooting deceased was wrong and unlawful, and would probably result in the death of Mr. A. This opinion is well sustained by facts and circumstances which the evidence tends to show.

"We have examined all the numerous assignments of error appearing in this record. Counsel, assigned by the court to advise and aid defendant upon the trial of the issue involving his life and death, have been diligent in the performance of their duty to him and to the court. However, we find no error upon this record. The charge of the court was full, accurate and correct; his instructions as to the law are fully supported by the authorities, and we must affirm the judgment. There is no error".

Following the adverse decision of the Supreme Court on the prisoner's appeal, his attorneys requested a reprieve of 60 days so that they might

have time to present to the Governor their evidence in a plea for life imprisonment on the basis of insanity.

Governor's Statement Refusing Commutation:

The Governor in declining the petition for commutation of sentence from death in the electric chair to life imprisonment, issued the following statement:

"The prisoner was convicted of murder in the first degree at the June, 1925, term of Forsyth County Court. The question of the prisoner's sanity was raised both before the trial and after the verdict of the jury. The trial Judge stated at the time, as a part of the official record, that he had very carefully observed the prisoner, and saw nothing to indicate insanity, but in view of the fact that one of the State's leading alienists had stated to him that he was uncertain as to whether the prisoner was sane or not, and in order that the prisoner's past record might be inquired into, he set the verdict of the jury aside and ordered a new trial.

"The prisoner was later tried and convicted of murder in the first degree, at which time the question of sanity was likewise before the court and jury. The prisoner was ably defended by some of the State's leading lawyers and was given two fair and impartial trials. In both instances the jury found the facts against the prisoner.

"Where a prisoner is given a fair and impartial trial, with full opportunity to present all available facts, I do not conceive it to be the duty of the Executive to set aside the judgment of the court and the verdict of the jury. In this instance the prisoner had the unusual advantage of having had two opportunities of establishing the contentions that are now presented to me, that is, the question of his insanity.

"It seems that the prisoner after being released from prison in Connecticut, fled to the State of Georgia, stayed there a few weeks, returned to Rowan County, served a short sentence on the road, worked for a few weeks in a rock quarry, and went from there to Winston-Salem. A few days after going to Winston-Salem he went to a laundry on a Saturday night, and Mr. A, the deceased, had the money draw open, whereupon the prisoner, while well masked, demanded of Mr. A the money. When it was not readily given to him he shot Mr. A, killing him instantly. He then took all the cash from the cash drawer, and at the point of a pistol required two other employees who were present to give him all the money they had. After making threats of violence against these parties if an outcry was made, the prisoner fled.

"All of these facts indicate clearly to my mind that the prisoner knew well what he was about. Despite the unusual facts against the prisoner, I have had the Commissioner of Pardons to make careful investigation, even to the extent of going to Rowan County and talking with parties where the prisoner had worked. He has likewise talked with the prisoner on several occasions, as have other responsible citizens. The investigation, like the evidence introduced at the trial, sustained the verdict of the jury and the judgment of the court, therefore I have declined to interfere with the sentence".

Just one day before the first anniversary of the murder the prisoner was electrocuted at the State's Prison, Raleigh, June 11, 1926.

Mental Condition:

The statement of the Superintendent of the State Hospital for the Insane at Raleigh in regard to the mental condition of the prisoner which was offered as evidence for the defense at his second trial is as follows:

"I first saw the prisoner some time in June, 1925, after the murder. At the request of his counsel I examined the defendant, first in the jail at Winston-Salem, and later in the State's Prison at Raleigh. I also observed him at different times over a period of five or six weeks. My opinion is that defendant is suffering from a mental disease, known as dementia praecox, of the paranoid type.

"This disease manifests itself in early childhood by peculiarities which differentiate the patient from normal children. It develops through childhood, and manifests itself by definite symptoms in early manhood. The patient is irregular in his habits, and when the disease is of the paranoid type, it frequently manifests itself in criminal tendencies. Persons suffering with the disease have outbursts of passion, they manifest hate and desire to accomplish immoral and illegal things of great variety. It is a chronic and progressive disease, and is frequently accompanied by a tendency to commit murder. In my opinion, this defendant is insane. The type of the disease with which this defendant is suffering is incurable.

"In my opinion, based upon my examination of defendant, in jail at Winston-Salem, and in the State's Prison at Raleigh, defendant was insane on the night of June 13, 1925, the time of the homicide. At intervals the paranoid type of dementia praecox know the difference between right and wrong in a simple way, but I do not think they fully appreciate the nature and consequence of their acts. I do not say that defendant did not have sufficient mental capacity on the night of June 13, 1925, to know right from wrong. He may have known right from wrong, but I do not think he knew the full significance or nature of his act. I think he knew when he presented the pistol at the man, and pulled the trigger that the natural consequence of the act would be to kill the man. I do not think he appreciated the nature and consequences of his act in shooting the deceased, as a normal man would".

Examination by another mental expert revealed the fact that the prisoner's mental age was four years and ten months and his intelligence quotient 30, although his chronological age was 24 years. This examiner declared that it was impossible on the basis of data at hand to give a differential diagnosis, but he stated that there were signs of mental deterioration and general paralysis of the insane. He found marked incoordination in the prisoner who had much difficulty in grasping instructions, and in speaking slurred his last words. He was found to be confused and disoriented for time, and especially for place. This examination disclosed the Romburg sign negative and knee jerks present.

CONCLUSIONS FROM CASE HISTORIES

The most striking fact brought out by these case histories is the prevalence of mental deficiency among the prisoners convicted of capital crimes, a considerable proportion of whom were executed. There are, moreover, several cases of actual insanity among them, and it is safe to say that in the 26 case histories studied, hardly one is the history of a normal man. It should be especially noted that one prisoner, declared by an alienist to be definitely insane, a victim of dementia praecox, was electrocuted.

Although the sentiment of a civilized State is now opposed to the infliction of the death penalty upon the insane, this sentiment does not yet officially condemn the execution of the feeble-minded, despite the frequency of commutation of the death sentence by the Governor in cases in which mental deficiency has been definitely proved.

What is happening at present in North Carolina, as probably in most of the other States, is that the death penalty in a large majority of cases is inflicted upon the subnormal and the psychopathic who, through their innate deficiency or abnormality, are unable to cope with their environment, and many of whom from birth are predisposed to the commission of crime.

Aside from its injustice, this is a very questionable method of treating the mentally defective. These histories suggest primarily a more constructive, State-wide program of prevention for dealing with the members of this group; clearer recognition of such deficiency, and more adequate institutional provision, if not sterilization as well.

The wide breach between the psychopathological theory of insanity and the legal theory has often been remarked. Equally conspicuous is the absence of legal recognition of dangerous mental deficiency. Modification of the law is necessarily slow, and until such modification takes place, whereby the mental defective may be legally regarded as irresponsible for the commission of criminal acts, the least the State can do is to try to prevent, as far as possible, his commission of acts of this sort.

Left to themselves, especially in poor environment, like that of the majority of these prisoners, persons of this subnormal type constitute one of the most serious menaces to society, a menace which is not effectively met by sending a few of them to death, since for every one executed, there are probably scores of other potential criminals like him at large.

Another fact brought out by these case histories is the conspicuous lack of education of most of the members of this group. This is directly related to their mental deficiency, as well as to the limited opportunities for schooling which many of them had.

Moreover, the environment of most of the prisoners—that of practically all of the Negroes—was noticeably poor, with few influences tending to check a disposition toward the commission of crime.

Judging by this group which, as has been stated, was selected only on the basis of conviction for capital crimes, we find that in North Carolina at present we are sentencing to death the poor and the ignorant, the mentally defective, the insane and the psychopathic, and not only sentencing them, but executing a considerable number, about half of those sentenced.

It is worthy of note with reference to the cases of burglary which are included that since January, 1909, when the electric chair was insti-

tuted as the instrument for inflicting capital punishment in North Carolina, there have been only nine persons convicted on the capital charge of burglary, and only two of these have been electrocuted.

The assumption of the North Carolina law in making first degree burglary a capital crime is that a man who will break into a house in which people are sleeping, no matter what his purpose may be, is usually prepared to kill the occupants if he encounters them. He may not harm them, he may not wish to harm them, but the presumption that he would harm them if he should find himself in danger causes the law to classify his crime with murder, rape and arson, and to punish it accordingly.

While the law views first degree burglary as especially heinous because it means an invasion of the home, the State which retains the death penalty for burglary should be assured that it is not inflicted unless the facts and circumstances in each case clearly warrant it. To secure a conviction for burglary is easier than to secure a conviction for murder. If the evidence shows that the accused is guilty of first degree burglary, the only thing the jury can properly do under the circumstances is to find him guilty, and the only thing the Judge can do is to sentence him to death. Amendment of this law is worthy of consideration.

SCHOOL ATTENDANCE

IN

NORTH CAROLINA

A SURVEY OF SIX COUNTIES

BY J. N. FREEMAN
Director of School Attendance

A LAURA SPELMAN ROCKEFELLER
MEMORIAL FUND PROJECT

SPECIAL BULLETIN No. 11

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FOREWORD

This Bulletin was made possible through a grant of the Laura Spelman Rockefeller Memorial Fund. The grant was to pay all expenses from April 1, 1928, to July 1, 1929, thereafter only the salary of the Director. This arrangement was made anticipating that the state legislature would provide the expense of the work less the Director's salary at its next biennial session following the grant. This the legislature failed to do. Naturally this work has been seriously handicapped.

The data used in this Bulletin was gathered by Miss Elizabeth Smith, Director of the Division of School Attendance until her resignation in July, 1929. As was stated above, due to the lack of funds this work has been retarded and all evidences of incompleteness appearing in this work can be attributed to insufficient tools and materials for the finishing touch to be given it.

An effort has been made to assemble the results of this study and to present them in as understandable a manner as possible in the hope that a forward step may be taken in solving the problems of poor attendance on the part of the school children and an apparently poorer understanding by the parent of the importance of regular attendance.

J. N. FREEMAN,
Director School Attendance.

CHAPTER I

SCHOOL ATTENDANCE PROBLEM

The State Board of Charities and Public Welfare has for a long time felt that non-school attendance has been one of the weakest links in North Carolina's program for social progress, but lack of funds prevented any organized effort in this field. A three-year grant from the Laura Spelman Rockefeller Memorial Fund made possible the creation of a program of school attendance on April 1, 1928.

The compulsory school attendance law requires children from seven to thirteen years, inclusive, to attend school for the duration of the local school term. The county superintendent of public welfare is the officer by whom the law is enforced. Supervision of the enforcement of the law in the counties is one of the duties of the State Board of Charities and Public Welfare, but prior to April of 1928 there had been no one on the staff to give full time to the work.

Through this project the State Board has undertaken to study carefully the difficulties in the way of proper enforcement of the compulsory school attendance law; to determine methods to make enforcement adequate; and to coöperate with all agencies in trying to improve school attendance. In addition to adequate enforcement of the law, much can be done to improve attendance by the reduction of epidemics, by holding pre-school clinics and health examinations of the pupils, by conducting special classes for the children who are retarded or who are subnormal mentally, and through the creation of a community appreciation of the value of public education.

The program has tried to see that the children who are not attending school regularly now are given their rightful opportunity. North Carolina is raising a new crop of illiterates each year because of the present failures to bring together the child and the school. According to the 1920 federal census there were in North Carolina 12,675 white and 8,020 Negro illiterates between ten and thirteen years of age. Our adult illiteracy problem can never be solved so long as we permit young children to grow up without at least an elementary education.

In six counties of the state the Director has made a detailed study of school attendance. The blank used in this study classified the reasons for absences into eight causes: agricultural work, other work, weather, illness, out of district, poverty, parental indifference, truancy. The counties covered in the study are a cross section of the state and are believed to present all the facts involved in the school attendance problem of North Carolina. The counties studied were (1) Cherokee County, a sparsely populated mountain county where bad roads and distances aggravate the school attendance problem; (2) Moore County, a cotton county where the farm tenancy problem exists; (3) Union County where farm tenancy is better and where the rural population is largest; (4) Lenoir County, where all white schools have been consolidated into seven schools; (5) Halifax County, which has the highest ratio of Negro population in the state; and (6) Orange County, where there is a mixture of tenant and cotton mill population.

CHAPTER II

FACTORS INFLUENCING ATTENDANCE

For one who seeks to determine the factors which influence school attendance, a number of interesting problems present themselves. Do children go to school because they live within a mile, rather than three miles, of the school, or because some means of transportation is provided? Do the children of farmers attend better than those of mill workers? Does the type of community affect the attendance of the child? Is it true that there has developed in North Carolina a feeling that farmers need their children during harvesting and planting seasons regardless of the loss to the child in his school work? Does the occupation of the parents have any material effect upon the attendance of his children? Does the age of the child have anything to do with how regularly he attends school? What effect does the weather have or how often is illness given as a reason for being absent? Are there certain months during the school year that children attend school better than others?

In short, what are the factors that influence school attendance in North Carolina? How do several of these factors operate when taken together? The problem confronting North Carolina is one that must be worked out regardless of how much money is spent upon the schools and how attractive they are made. The fact is that the children of North Carolina are not getting full benefit of this expenditure. What is the solution? We have a situation where between one-fourth and one-fifth of the children are out of school each day.

This survey was made in the hope that not only some concrete method of accurately checking upon the attendance of school children might result but also that some remedy could be suggested to improve the average attendance of children over the state. Good attendance is essential to have successful work in school. If the schools are to educate a child we must see not only that he is enrolled but that he attends school regularly. Experience has shown that the child who is present during only a part of the term is frequently not promoted at the close of the school term. The cost of re-educating these children who have already been over the work is a very large item of expense to the school district while the cost in the loss of many years of time to the children involved cannot be reckoned. Improved attendance would prevent much of this loss both to the state and to the child.

If then, attendance is of such vital importance, it is essential that, in so far as possible, we prevent absences. We must consider not only unlawful absences but all absences. Absence is an effect not a cause, therefore the question before North Carolina is the cause of so many absences and how to make the correction. "There is a remedy for every evil." This survey was made with a desire to ascertain the causes and thereby to be able to intelligently work out a remedy.

The blank used in getting this information as shown on page 9, gives eight reasons for absences of children. These causes—agricultural work, other work, weather, illness, removal from district, poverty, parental in-

difference, truancy—were thought to be sufficient to cover every excuse for being absent. It was left to the teacher to be sure and ascertain the cause of every absence. Each child had a separate record kept for it by the teacher for the year 1928-29. Through the tabulation of these sheets we should be able to account for the reason given for absences in each month.

In short we should be able to tell whether agricultural work causes more children to be out than the weather or illness. With this information it was hoped that we could work out a plan by which absences could be reduced to the lowest point.

CHAPTER III

METHOD AND SCOPE OF SURVEY

This survey was conducted in six North Carolina counties ranging from Cherokee County in the mountains of western North Carolina to Halifax County in the east. There were no city schools included in the survey. We may, therefore, conclude that its results will give us a reliable picture of the problem involved in school attendance of rural children. The six counties studied represent the different conditions under which children are expected to attend school. The blank used in making the study was very thorough but due to the conditions surrounding the teachers all the information called for was not obtainable. In round numbers there were about 12,000 children whose record was kept for the year 1928-29. This record included the child's age, grade, school, parents' name and occupation. The blank offered eight causes for being absent and the teacher checked the day, month, and cause of absence. In this way it was hoped that the teacher not only would have a record showing the number of absences and cause but also that during the year information would be obtained showing what month children were likely to miss more and for what reason. The greatest difficulty encountered in making the survey was the fact that if North Carolina has any standardized plan of child accounting it is not used uniformly. The transfer record of children in the rural section is very unreliable and this fact alone makes it difficult to keep a very accurate check upon all school children.

The counties covered in this survey are a cross section of the state and are believed to present all the problems involved in the school attendance problem in North Carolina. Both white and colored children of each county are included in the survey with the exception of the colored in Lenoir and Union. The survey should give a general idea of the value of consolidation and the effect of weather, manufacturing, and agriculture upon the attendance of children in school because in selecting the counties surveyed, the main purpose in mind was to encounter all the difficulties connected with the attendance problem rather than select counties that would make a fair showing.

An analysis of the factors influencing the attendance of rural children requires a knowledge of such facts of attendance as will enable one to determine the kind of school attendance that accompanies the presence of each factor.

Cherokee County, a sparsely populated mountain county with a population of 16,000, in the extreme western part of North Carolina, presents difficulties of bad roads, poor consolidation, and unusually severe weather in winters. There are very few if any industries and the chief ways of making a living are lumbering, cattle raising, and farming.

Moore County, with a population of 25,000, is located in the South Central Piedmont section of the state and is a trucking and cotton county. This county has the poorest farm tenancy in the state and should give some light upon the farm tenancy problem.

Union County, with a population of 38,000, where the economic conditions of farm tenancy are better and where the rural populations are largest, is in the South Central section and is on the South Carolina line. Cotton and oats are the chief crops but Union County has a diversity of crops produced.

Lenoir County, with a population of 35,000, is located in the southeastern part of the State and is highly consolidated in so far as the white schools are concerned. This county should give us a concrete example of the effect of consolidation of rural schools. This is an agricultural county with tobacco and cotton but has a great deal of diversified farming, as the soil is suitable for any crop.

Halifax County, with a population of 48,000, located in the northeastern section of the State and the largest ratio of negro population in the State, is supposed to be unusually well organized taking into consideration all obstacles. Manufacturing, farming, cotton, peanuts, and trucking are suitable to this section.

Orange County, with a population of 20,000, located in north central part of the state and where the University is located, has a mixture of tenant and cotton mill population. Tobacco is the outstanding crop with some cotton being raised in southern portion.

Each county had a welfare officer whose duty was to enforce the compulsory attendance law. This law requires that all children between the ages of 7 to 14 must attend school continually while the school is in session in the child's district. The term of school in these counties was not uniform, ranging from 120 to 180 days. Within each county the course of study is uniform as the state law regulates the course of study for all schools.

DAILY MONTHLY REPORT OF ALL ABSENCES

Year No. of District Name of School

Identification: Number (Leave blank) Pupil's Last Name First Name Middle Name

Male (W) Female (W) Male (C) Female (C)

Age 5 5½ 6 6½ 7 7½ 8 8½ 9 9½ 10 10½ 11 11½ 12 12½ 13 13½ 14 14½ 15 15½ 16 16½ 17 17½ 18

Grade 1 2 3 4 5 6 7 8 9 10 11 12

Defects Eyes Ears Adenoids Tonsils Teeth Speech Physical Handicap Mental Handicap

Date of Correction

	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May	June
No. Days Present										
Number Days Absent Due To: a. Agricultural Work										
b. Other Work										
c. Weather										
d. Illness										
e. Out of Town										
f. Poverty										
g. Parental Indifference										
h. Truancy										
Total No. Days Absent										
No. Times Tardy										

Transferred to { District / County / State }

Transferred from { County / State }

Stopped School When Why

Name of Parent P. O. Address

Occupation of Parent

Distance from School ½ 1 1½ 2 2½ 3 3½ 4 4½ 5 miles or over

Transportation Furnished by Board of Education Yes No

Promotion Yes No Reason

Teacher's Signature

Post Office Address

CHAPTER IV

THE SURVEY AS SHOWN IN THE TABLES

TABLE I

Information for the survey was gathered by the teachers upon a blank, sample on page 9, which was a record for this particular survey. The teachers were asked to keep monthly records of each child and to ascertain if possible the cause of each absence.

The attendance records for a number of children were either inaccurate or incomplete to such an extent that it was necessary to eliminate their records. Another group were of children that had not resided in the district during all the school term. As transients they constitute one of the problems of school attendance, but inasmuch as they may have had the advantage of attending schools in other districts during the season on which the study is based, their records have been eliminated from the following analysis of school records. The total group upon which the analysis is based therefore numbers 11,647, of whom 5,878 were boys and 5,769 were girls. 9.2 per cent or 1,074 were below the compulsory school age, 1,864 or 16 per cent were 14 years or over, or above compulsory attendance age. In all, 8,709 or 74.8 per cent of the children for whom records were secured came within the provisions of the compulsory attendance law. There were 7,891 white children and 3,756 colored.

TABLE II

Of the 7,891 white children the grade distribution reports of 7,746 were received. Table II shows this distribution along with the age and whether or not the child's standing is advanced, normal, or retarded in the grade according to his age. There was a total of 258 pupils or 3.3 per cent who were advanced or above the average, 4,233 or 54.6 per cent were normal or average pupils, and 3,255 or 42 per cent were retarded. As will be noted from these figures nearly half of the entire number studied were retarded one or more years. This does not necessarily mean that the child is retarded due to inability to make a grade each year but rather it tends to show the effect of absences upon the progress that a child makes in school.

For the 3,756 colored pupils studied the grade distribution reports of 3,751 were received. There were 41 or 1.1 per cent of this number who were advanced, 1,108 or 29.5 per cent were normal, and 2,602 or 69.3 per cent were retarded, or over two-thirds of the colored children were behind in their school work. This can be accounted for partially due to the fact that very few colored children attend a school which is in session more than 120 days while nearly all white children attend a longer session.

From the table it would seem that the percentage of retardation increases as the grade attainment changes; that is the percentage of retardation is larger in the third than the second, etc. This merely tends to show the effect of accumulative absences. It must be remembered that

the majority of the white children have an opportunity to attend school 180 days. Another interesting fact is that the percentage of retardation is much greater from 14 years of age to 16 than it is from 12 to 14. The compulsory attendance law does not affect the child after it reaches 14, therefore we find that of 1,444 white children between the ages of 12 and 14 less than 60 per cent are retarded, while of the 626 that are between the ages of 14 and 16, 573 or 91 per cent are retarded. The boys as a whole are retarded more than the girls. This was to be expected since most of the pupils came from the homes of farmers. This retardation is the result of irregular attendance. Many rural children make such slow progress due to so many absences that they fail to complete the elementary grades by the time they have reached the end of the compulsory attendance age, and so never acquire the common-school education with which the public school system is supposed to equip every child; or else they remain to receive a type of instruction so unfitted to their years and physical development that they are inclined to waste their time and to become the "problems" of the schoolroom. Nearly half (42 per cent) of the children included in the present study had not reached the grades considered normal for their years. As practically all of the children had entered school at the age of 6 or 7, their retardation can not be ascribed to a late start. There can be little doubt that irregular attendance, a large part of which was due to work at home, was the primary factor in their slow progress.

The compulsory school attendance law of North Carolina does not in any way excuse children under 14 from school for work on farms or elsewhere. It requires every child between the ages of 7 and 14 to attend school regularly during all the days and hours that the public schools are in session in his school district unless he is mentally or physically incapacitated or has been granted permission to leave school for work or has completed the course of study of the public school of the district in which the child resides. The enforcement of the laws is in the hands of the county welfare officers in counties where a county welfare officer is employed; otherwise, it is in the hands of the county superintendent of schools, who in the absence of a county welfare officer becomes ex-officio county welfare officer. In some instances when there is a county welfare officer the position is to a certain degree a political one and as such the work of enforcing the compulsory attendance law is neglected. Experience has shown that where local politics and interests have an opportunity to assert themselves the school attendance law in rural districts is seldom well enforced. It is difficult to get a welfare officer in a county to enforce the law, since the farmers who keep their children out of school to work on the farms, or parents other than farmers, who keep their children out of school to work, are known to him personally and are in many cases his neighbors or political friends. He also sympathizes with the parents' desire for keeping the child out of school to work, and because the children's need for education is less obvious and less urgent he dislikes to insist upon their regular attendance. We also find that the teachers to a great extent have been negligent in doing what the law requires of

them in regard to its enforcement. In too many cases the teachers along with the county superintendent have passed their duties on to the welfare officers and the result is that the welfare officer contends he has more than he can do; therefore, next to nothing is done about unlawful absences in many counties. Then another difficulty arises due to the fact that the majority of the teachers and a great many welfare officers have not fully informed themselves about the rules and regulations governing the enforcement of the compulsory attendance law. State supervision, where the personal element is eliminated, is necessary to insure effective enforcement.

TABLE III

Conditions in the counties selected for special study were fairly typical of the entire state. In the six counties the average length of school term for the year 1928-29, was 143 days; for the state as a whole the average length of term was 144 days. The average length of term for white children in the six counties was 149 days as compared with 126 days for colored children. The average length of term for white children in the state was 152 days as compared with 128 days for colored children. The percentage of attendance for the same year in these six counties averaged 67.9 for all rural schools; while throughout the state the percentage of attendance for all rural schools was 73.3.

Table III shows in detail days and percentages of absences. 10,789 or 93.43 per cent of the children were absent one or more days; while 758 or 6.57 per cent were present every day. There were 2,659 or 23 per cent of the children who were absent 10 or more days; 1,650 children or 14.3 per cent who were absent 20 days (one month) or more. More absences were reported for boys than for girls. This table shows the absence by race, sex, and county of residence and shows a picture of the different counties for comparison. Thus data for Lenoir County white pupils show that 53.19 per cent were absent less than ten days, while in Cherokee County 29.2 per cent of the white pupils were absent less than ten days, which means that 60 per cent of white pupils were absent more than ten days in Cherokee County, while 46 per cent plus of the white pupils were absent more than ten days in Lenoir. In Lenoir County only 1.84 per cent of the white pupils were absent more than sixty days, while in Cherokee County 5.8 of the white pupils were absent more than sixty days. In Halifax County a still smaller per cent were absent less than ten days, there being only 27.98 per cent who were not absent more than ten days. As a general rule where a small percentage of pupils were absent less than ten days the percentage of those absent more than ten days was greater than where a larger per cent were absent less than ten days. The absences among the colored were greater than the white and for longer periods of time. The more dependent a county is upon agriculture the greater the number of absences among the colored pupils; while this rule will not apply equally in case of white pupils.

TABLE IV

Table IV shows the age, sex and total days absent from school. Of the 7,257 white children who were reported absent one or more days, 2,780 or 38.3 per cent were absent less than ten days, and 1,915 or 26.4 per cent were absent between ten and twenty days. There were 2,562 or 35.3 per cent of the white pupils who were absent more than a month. 9.4 of the absences reported were among children under 7 years of age. The pupils between 7 and 9 years of age reported the largest number of absences of any age groups, both groups being absent 12.3 per cent of the total. The smallest number absent were those over 16 years of age, this group reporting 2.5 per cent of the total absences. In the group under 7 years 12.0 per cent of the pupils were absent 60 days or more, we find these pupils absent nearly half of the school term. The 10-11, and 11-12 group were the next in pupils being absent 60 days or more, these groups having 11.2 per cent and 11.6 per cent absences. The 8-9 and 9-10 groups reported the smallest number of absences. If you will notice the table you will find that 13.4 per cent and 13.2 per cent were absent less than ten days. The larger the per cent reporting less than ten days absent the fewer days the age group were absent. Reading from left to right in the table this is correspondingly true in the other age groups of days absent. 2,780 or 38.3 per cent of the pupils were absent less than ten days, 1,915 or 26.4 per cent were absent ten days but less than twenty days or one school month; 4,695 or 64.7 per cent of the pupils were absent less than a month; also 2,562 or 35.3 per cent of the entire number of white pupils were absent twenty days or more.

The absences among the colored pupils is even of a higher rate. There were 3,533 reporting absences from one to 60 days or over. There were 1,027 or 29 per cent who were absent less than ten days; 741 or 21 per cent were absent from ten to twenty days; 1,768 or 50 per cent were absent less than one month while 1,765 or nearly 50 per cent were absent more than a month.

We find that 9.2 per cent of the colored pupils were absent 60 days or more, or over half of the school term. While in the white group we find that 3.3 per cent of the total pupils were absent 60 days or more but 12 per cent of the white pupils under 7 years were absent 60 days or more, while in the colored group only 9.3 per cent of the pupils under 7 were absent 60 days or more. This may be accounted for by the fact that mothers of colored children work and it is to their advantage to send the young to school in order to be free of caring for them but as they become able to work they are kept out more. For if you will notice by comparing the ages and groups you will find that as the ages increase the number of absences among colored children increase to a greater extent than do the white, although both show some increase, at times irregular.

Under these conditions it is not surprising to find that a very small per cent of the children included in this survey have reached the grades considered normal for their years. Although school progress is affected

by many different factors it seems likely that the irregularity of school attendance, so marked as that found among the rural children in North Carolina, including absence at the most critical period of the school year, is for this group the most important cause of retardation. The result of non-promotion year after year is that the 14-year-old child, who may usually leave school for work, has often acquired little more than the ability to read.

TABLE V

REASONS FOR ABSENCE

The most serious factors contributing to absences in North Carolina rural white schools are illness, weather, farm work, and other work. There were 14,916 excuses given for absence, of this number 6,109 or 41 per cent were for illness. More girls than boys and more younger than older children had been absent for this reason, 39.1 per cent of the absences reported by the boys were for illness while 43.4 per cent of the absences reported by the girls were for illness. More girls gave this as an excuse for absence because they were the ones kept at home when extra help was needed with the housework. The reverse is true as to agricultural work and other work. There were 2,290 or 15.3 per cent of the absences due to agricultural work and 1,969 or 13.2 per cent of the absences due to other work. We find for both of these causes the boys using them more frequently than the girls, and doubtless this is a fact and is about the proportion of absences that were due to these causes. But when we study the table we are faced with the fact that illness was imposed upon as an excuse for being absent, because it is out of all proportion. If we are constrained to ask the question, "Why use illness more than any other cause for absence?" the answer is simple, because illness is always a legal and valid excuse for absence regardless of the age of the child. In other words it is an excuse that must always be accepted unless the teacher investigates and finds out that the excuse is false.

While any of a number of other excuses offered by children between 7-14 years of age may be punished according to our compulsory attendance law, unless they are excused through necessity for work at home, whether farm work, other work, or what not. Among other reasons for absence, named in their importance, parental indifference, 8.5 per cent of all absence was due to this cause and the boys were absent on this account more than the girls; poverty was the cause given for only .6 per cent of all absence; and 1.1 per cent of all absences were due to truancy.

In the table for colored children we see more the reflection of the situation as it actually exists. There is very little effort in North Carolina to enforce the compulsory attendance law as it affects the colored school child. They are used to work on the farms and no other excuse is necessary. The result is that we have a truer picture of the causes of

absence. There was a total of 8,013 reported absences for different causes, of this number 2,205 or 27.5 per cent of them were for agricultural work, the next important cause was illness, with 1,779 or 22.2 per cent of the absence due to this cause; other work came close to illness with 1,764 or 21.8 per cent and weather close to other work with 1,631 or 20.3 per cent of the total absence due to this cause. The other three causes for absence play a minor part in the total with the exception of parental indifference; these being 4.4 per cent absent for this cause; poverty, out of district and truancy are causes for 3.8 per cent of the absence of the total reported.

The difference in the number of white children using farm work for an excuse and the number of colored using farm work for an excuse is a significant fact, and certainly the contrast between the white and colored using illness for an excuse for absence is very interesting. The colored reported that 27.5 per cent of their absence was caused by agricultural work while the white reported only 15.3 per cent of their absence was caused by agricultural work; the colored reported that 21.8 per cent of their absence was caused by other work than agricultural work or taken together we find that these causes account for 49.3 per cent or nearly half of all absences while weather and illness account for 42.5 per cent of the absence, a pretty fair distribution. Taking the reports for white children, we find that agricultural work and other work account for only 28.5 per cent of the cause for their total number of absences while illness and weather account for 58.3 per cent of the total absence and illness accounts for 41 per cent alone. It seems that the white children were either very sickly or they imposed upon the cause of illness as an excuse to explain their absence. We might also conclude that a number of white parents hesitated to let it be known that they were keeping their children out to work and used illness as an excuse to avoid criticism and conflict with the compulsory attendance law while the colored have no criticism to avoid and the compulsory attendance law is not used to keep them in school. The result is that they have given agricultural work and other work as the greatest contributing causes for absence.

From these facts the reader would be safe in concluding that farm work is largely to blame for the rural child's inequality of opportunity as compared with that of the child who lives in a town or city, not only because it interferes with his school attendance but because it is also a reason for the shorter school term maintained in the rural districts. Children who must sacrifice a certain amount of time to such emergencies as bad roads and bad weather, as many country children always do, run on a very narrow margin when the term is only six or seven months and they stay out of school a month or more to help at home.

Normal progress in school is dependent on regular attendance so that children who habitually stay away from school for work fall behind in their classes. Besides the actual loss of time children who are kept at home to work or have to work a part of the day are too tired and listless to do the required work in school when they return, and thus scholarship suffers and retardation increases.

TABLE VI

The occupation of the parent is calculated to influence the trend of school attendance but in the instance of this study it is not worthwhile to attempt to compare this point due to the fact that practically all the schools studied were rural and of a necessity their parent occupation was farming. To assure that there was no mistake in this conclusion a table was set up giving the occupation of the parent and total days absent. It was found that the parent of 63 per cent of the white children were farmers; the remainder was distributed over a number of occupations neither of which was large enough to establish any relation between the parent's occupation and the attendance of the child. In the case of the colored children the parents of 56 per cent of the children reported farming as their occupation, while the remainder were distributed over a number of causes, the majority of which were for various kinds of manual labor. Considering the fact that only one occupation is outstanding and that being farming, it is impractical to make a comparison of this occupation with the many others on the basis of their effect upon attendance.

TABLE VII

In Table VII an effort has been made to ascertain the relative importance of the four major excuses offered for absences by cause and month. In the white group we see that agricultural work is more important as an excuse for absence in the early fall months and in the spring. But as has been the case heretofore among the white children, illness is the most popular cause for being absent from school among white pupils. It is true that for the month of December, January, February, and March that the number of absences for illness and weather would naturally increase, but again we note that illness is the most popular excuse throughout the entire year. For instance during the month of September, a month in which a minimum amount of sickness would be expected and a maximum amount of farm work, we find there were 577 days missed due to agricultural work and 865 days due to illness; in October 747 days absence due to agricultural work and 1,193 days caused by illness. In the winter months the number of absences due to illness and weather increases, which was to be expected, but during the fall and spring it was not expected that illness would also be the most frequent cause for remaining away from school. It seems that these reports would indicate that white children in North Carolina are very sickly!

Among the colored children the situation reverses itself. In the fall agricultural work is the most frequent excuse for absence and in the winter of January and February alone do we find absence for illness overtake those for agricultural work. If these reports are correct the colored pupils are not as sickly as the white. A careful examination of Table VII and its sub-tables reveal very interesting figures in regard to the cause of absence by month and race. There are more absences among both races in the months of December, January and February than any other, a fact that was to be expected due to the weather.

The effect of the distance from school was studied but the reports upon this phase of attendance were in such condition as to make uncertain the results therefrom. If such records are to be taken for their face value it must be concluded that distance from school in North Carolina has very little to do with the number of absences. In fact the reports showed that there were more absences among pupils who lived within two miles of the school than among those who lived more than two miles from the school.

This situation may be accounted for due to the fact that it is a custom in North Carolina to furnish transportation for those pupils who live more than one mile and a half from the school. The reports were, however, too indefinite to form any definite conclusion. Certainly so since many studies of like nature in other states have found that distance from school is one of the most important factors in the number of absences.

CHAPTER V

SURVEY OF DATA AND CHILD ACCOUNTING

The blank used in gathering this data if properly used would have furnished data for a very thorough study. Due to the fact, however, that the rural school and school teachers are not furnished with sufficient equipment to keep such records, as are indicated upon the blank, much desirable information did not appear. For instance, there was "defects of the child and the date of corrections," a very important factor certainly since the white pupils give illness as their most frequent cause for absence, but records were so incomplete regarding this item it was useless to attempt a comparison and the results of such defect upon attendance. The same condition prevailed in regard to mental and physical handicap, to tardiness, transfers, transportation, and distance from school, and to promotions.

It is to be regretted that when an effort is made to ascertain the cause of poor school attendance in North Carolina the study cannot be as thorough as possible, due to the system or lack of system of record keeping we have, and to the habits teachers have formed.

But who is at fault? Perhaps we are all more or less to blame. It is the duty of the parent as a citizen to interest himself or herself in the welfare of the child. It is the duty of all public officials to work out remedies and set up machinery that is calculated to protect the rights of the child. We are spending a large sum of money for education in North Carolina today, many critics think too much. Yet with all of our expense we have no accurate child accounting system. You ask the school man if he thinks the present plan of census taking for the child of school age is satisfactory, his answer is usually "no"; of child accounting, and the answer is, "no."

Ask the disgruntled parent if his child is getting the proper attention in school and this answer is invariably a criticism of the cost of the public schools. Attempt to get a record of a child involving its tenure in school. You will then realize why it is essential to stress child accounting.

The child accounting job would take note of every child as it comes into the world, and will go on some sort of record and he will be looked after right along up to the time of entering school, he will be guided before he gets to school. The home will learn that the child does not belong to it but to the factors of society. A representative of society will get into that home and see that the child enters school. This is child accounting, to take the child from the beginnng and follow him right through. Accounting is to make the guidance of the child right and to provide the means to the greatest development as his right in this world and to follow the child beyond leaving school and finding for him his right place in industry and society. It is a big job, this subject of child accounting and ultimately must come to include a complete check up of the child. We are a long way from the realization of such a program. The purpose of child accounting is to guarantee to each child the full benefit of all the agencies which organized society has set up for his protection and guidance along the lines of health, education and social relations.

There is no general agreement as to the factual items that should be included in a child's attendance record. As a consequence the records in

different schools are so kept as to provide but little basis for a comparative study. If one tries, for instance, to compare the over-ageness in one school with another, or to compare the promotions in different schools, he is at once confronted with a difference in the basis on which such records are set up. This affects the reliability of comparative statements.

Another difficulty is the fact that school authorities seem to be somewhat sensitive about, and critical towards, such efforts at comparison. Attendance officers are, therefore, greatly handicapped in their efforts to secure reliable data upon which to base conclusions relative to the effect of irregular attendance upon the efficiency of the schools, and upon the yearly promotions of the children. Futhermore, it is very desirable to know the number of fourteen-year-old children in the State, the number who leave school to go to work. Yet, upon the basis of the present records there is no way to ascertain these facts, nor is there any machinery by which the facts may be ascertained to show how many children fail to finish the elementary schools, or what percentage these failures are of the total elementary school population. There is not a county in the State that knows accurately. Not a single one has the machinery to find out in an accounting system check up. We know the approximate percentage that passes through high school, but we do not know the percentage of failures or how promotions and non-promotions run.

What is the percentage of absence or attendance, in fact when is a pupil absent from school? There is wide divergence in methods of keeping records. For the past two years the State has been distributing a $6,500,000 equalization fund each year upon the average daily attendance of each school, and yet very few schools use the same methods in keeping their records of attendance. Is child accounting important or not? When is a pupil tardy? It is a hard matter to get even the teachers in one school system to count the same way—much harder all the teachers of the State! We are not accurate enough. When we get our machinery for child accounting and get our statistics to work out we can follow each child accurately. Any child may move in our system and as far as records are concerned get lost. We have difficulty in keeping a record during the time the child is in one school.

We know more about a child moving here from another State and entering school than we do when one of our own move from one county to another, or worse still, from one school to another within a county. We have so far failed to work out a solution and the situation grows more troublesome each year. Every county ought to have a record with the right name and date of birth of every child and a check of every time he moves within the county. When he leaves the county or State an accurate record should go with him.

Child accounting is not a very simple sort of thing. It is not easy; it is a difficult job. It begins when the child is born, follows him through pre-school days, elementary school days, high school days, and so on into his life work. Such a system of recording would insure to us a minimum loss of effort and money and a maximum efficiency in the guidance of the child and until we do set up machinery for this work we will continue to have a hopeless problem on our hands at the expense of the child and an unknown quantity of inefficiency.

CHAPTER VI

ANALYSIS OF SIGNIFICANT FACTORS

If the records of this survey represent the situation with reference to attendance in the North Carolina public schools, illness and farm work are the major causes for absence. As evidence of this fact one has only to study Table V to get a glimpse of present conditions relating to the two excuses.

Public health in its various phases of preventive medicine touches the lives and welfare of the school child more closely than it does any other group of society. In the school room and on the playground the children come in contact with each other and conditions are made ideal for the transmission of disease. The presence of communicable diseases in schools makes the school officials largely responsible for the effective enforcement of our public health regulations. According to the laws of North Carolina any person having a contagious disease must be quarantined for a specific time in order to prevent the spread of such disease, free vaccinations are to be given and clinics held at certain intervals for the examination of school children.

Practically all communicable diseases are preventable by vaccination and the State has provided these treatments free of charge. It therefore behooves the school officials to take advantage of an opportunity to be of real service to the community in which they live and work. There is no other person in so favorable a position to present health facts to the parents and pupils as the teacher. And what better instruction could she give than the way to health? Why spend our time and money for educational facilities if we are going to let preventable disease keep our children out of school, resulting in failure to profit by our efforts.

The State and County Boards of Health are always ready to assist in every way possible in any health program in which any school wishes to engage. Effective health programs would contribute much to curtail absences due to illness.

The farm work seems to be a problem that we cannot or will not solve. There is evidence in the affirmative to lead one to believe the age-long acquisition "that the planting and harvesting of crops are more important than education to the child." We simply refuse to recognize the fact that farm work is taking its toll each year from the schools, the farmer continues to keep his child out of school to work on the farm and help pay his school taxes. This condition must be met and the sooner the better. A number of counties are using the "broken school term," that is they begin school late in summer and when "harvesting season" arrives the schools are closed for a period of four to six weeks and the term ends before "planting" time. Still other counties have tried the plan of opening school an hour earlier in the morning and teaching through until one o'clock and allowing the children one-half of the day to work. Neither plan seems to have been very satisfactory, but of the two the "broken school term" is preferable. It is too much to expect for children

to arise at five or six o'clock in the morning, attend school until one o'clock and then to work until dark; certainly very little is accomplished in the school room.

The belief that children are necessary on the farm during certain seasons is an attitude that has long prevailed among the farmers of North Carolina. This situation it is hoped will be changed in another generation but the habits and attitudes of the present seem to be as unchangeable as the colors of the rainbow.

The compulsory attendance law, Art. 34, Secs. 352 and 353, contains provisions which offer a method for effective elimination of absences on the ground of economic pressure, but as yet advantage has not been taken of it. If these two provisions were made effective, child labor could be eliminated entirely as far as children of compulsory school age are concerned. If the work of a child was shown to be unnecessary for economic reasons he could be ordered back to school by the Court. If the child's work was an economic necessity the payment of $10 a month, in some cases a less sum, to the parents would relieve the situation and secure regular attendance in the families in which absences are most likely to occur.

CHAPTER VII

CONCLUSIONS AND SUGGESTIONS

A careful study of this survey will convince one that there are many factors that contribute to poor attendance in the public schools of North Carolina. These factors are evidence sufficient to lead the individual to believe that there are many corrections which being made would improve the attendance situation a great deal.

Apart from the cause and effect of poor attendance the most pressing need is a better system of record keeping. The present system with its lack of uniformity and accuracy is largely responsible for the more or less passive attitude manifested by the authorities who have in their care the welfare of the school child. Before a definite program for the improvement of attendance can be put into effect there must of a necessity be set up a better system of school accounting.

The compulsory attendance law, while not all one would like to see, could be made very effective if there were a definite responsibility accepted and State supervision brought about. There was an effort made in the last legislature to increase the age limit in the compulsory attendance law when children may stop school from 14 to 16 years of age and to set up a sixth grade attainment. This bill passed the Senate but was killed in the House of Representatives. It was a very desirable bill and especially the grade attainment feature. So many children, who do not wish to go to school but are made to, are only looking forward to the day when they reach 14 and consequently derive very little benefit from their school experience. There should be a grade requirement set up by all means, it is more important that this should be done than an increase in the age limit.

There seems to be a definite misunderstanding between the school officials and most welfare officers. It would appear that the teachers and principals to some extent have failed to assume responsibility for the enforcement of the compulsory attendance law upon the contention that this is a function of the welfare officer, conversely the welfare officers contend that the teachers make no effort to aid them and they are unable to do the work without the teachers' help; thus in many cases the attendance work is neglected. This dual responsibility for the enforcement of this law has not proven very satisfactory and may be a partial answer to our school attendance problem.

There is little doubt that the welfare officer in the average county in North Carolina has enough to do without this extra duty. The attendance problem is a school function and as such it should be placed upon the schools and sufficient aid given the school officials to take care of it. The teachers and principals must eventually solve the atendance problem, it is theirs and try as you may it cannot be shifted.

It would be less expense and more beneficial in the long run if the several counties in North Carolina would adopt the "visiting teacher" idea and have a teacher give her entire time to this work in smaller

counties, and in the larger ones more than one teacher would be needed. This policy would save many times its cost in reducing re-teaching and its value in years to the children cannot be estimated. Through the visiting teacher and the teacher in the school the parents and children could be educated to the importance of an education and its dependence upon regular attendance. Some one is needed within the school system whose duty it should be to know the conditions under which the pupils live, and their consequent educational needs, to become acquainted with the child in its home and be the connecting link between the parent and the school. Before the school can properly function it must be brought into mutual understanding with the home and both coöperating, work as one for the welfare of the pupil. Such an understanding and coöperation can be brought about through the "Visiting Teacher" plan.

There are any remedial measures which would aid in improving attendance, and likewise there are many local situations that call for its own specific remedy, while there are many situations which are general and general suggestions should be of benefit. Since sickness is one of the major causes for poor attendance it is obvious that a better physical education program is needed. Proper medical inspection, coöperation between the lcoal board of health and the schools, to the end that sickness as a cause for absence may be reduced to a minimum. If a child is being kept out for work the parent needs to be educated to the importance of regular attendance, this should be the teacher's work. The teacher and principal should realize that their work is vitally dependent upon the regular attendance of the children and that it is one of their duties to see that the pupil is in school as much as possible. If the teacher would take the time she gives the pupils to make up work that has been missed and educates the parent and child to the importance of regular attendance, much more would be gained for the same amount of effort. Indirectly the teacher's attitude toward the pupils is a great factor in determining the regularity of attendance. If the teacher enjoys teaching, likes children, and makes a study of her problem cases, no individual connected with the school has a better opportunity to discover the real causes of non-attendance and to assist in removing those causes. Problems the teacher cannot handle should be reported to the principal. Many of these can be cared for in his office. There are a few cases neither can handle. These should be reported to the attendance officer, which in most instances in North Carolina is the county welfare officer.

There are many devices for improving attendance, some of which are listed below for the benefit of the teachers.

1. The names of pupils who have been in perfect attendance for a week are listed on the blackboard.

2. Contests between groups within a room, between rooms, and between schools within a county.

3. Classes organized for the improvement of attendance.

4. Interesting opening exercises.

5. Print names of those in perfect attendance in local newspapers each week or month.

6. Certificates of perfect attendance at the end of each month and year.

7. Offer rewards.

8. In case of a tardy or absence the teacher should take notice of them and make inquiries of other pupils. If an absence is prolonged for several days the teacher should make a brief visit of inquiry, if possible. In case of prolonged sickness a friendly note from school. Each pupil should realize that he is missed by his teacher and schoolmates. A note or visit will usually convince both the child and his parents of the teacher's interest and will lesson the number of pupils who drop out of school, thus increasing the average daily attendance.

The above list of devices does not pretend to be complete; it is merely suggestive and points to a few plans that have helped. Whether a device when used is worth while depends upon how it is used. If the device catches the child's interest sufficiently to cause him to attend regularly it has done all it can do and the teacher's part is to keep him interested.

In presentday education the child, and not the curriculum, has become the center of interest. If a pupil is absent the teacher wants to know why. Although general suggestions may help to improve attendance, improvement will be greatest when only the teaching force understands the problem and coöperates in solving it.

CHAPTER VIII

1. COMPULSORY ATTENDANCE IN SCHOOLS

Article 34. General Compulsory Attendance Law

Sec. 347. Parent or guardian required to keep child in school; exception. Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence form the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education. The term "school" as used in this section is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county superintendent of public instruction or the State Board of Education.

All private schools receiving and instructing children of compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district, town, or city which the child shall be entitled to attend: Provided, instruction in a private school or by a private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

C. S. (III), 5757; 1925, c. 226, s. 1; 188 N. C., 591.

Sec 348. State Board of Education to make rules and regulations; method of enforcement. It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary non-attendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for non-attendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: Provided, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has higher compulsory attendance feature than that provided by this article: Provided, that wherever any district is

without adequate buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provision in every district.

C. S. (III), 5758; 194 N. C., 620.

Sec 349. Attendance officers; reports; prosecutions. The State Superintendent of Public Instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the non-attendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and boards of trustees of special-charter districts have the right to appoint district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for non-attendance the case shall be referred to the chief attendance officer of the county for further action: Provided, that in special-charter districts having special attendance officers paid out of local funds, said officers shall have full authority to prosecute for violations of this article.

C. S. (III), 5759.

Note: The county superintendent of public welfare is chief attendance officer. C. S. (III), 5016.

Sec. 350. Violation of law; penalty. Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S. (III), 5760.

Sec. 351. Investigation and prosecution by county superintendent and attendance officer. The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violators of the provisions of this article. The reports of unlawful absence required to be made by teachers and principals to the chief attendance officer shall in his hands, in case of any prosecution, constitute *prima facie* evidence of the violation of this article, and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school.

C. S. (III), 5761; 1925, c. 226, s. 2.

Sec. 352. Investigation as to indigency of child. If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the

matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing in *locus parentis*, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a bona fide effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county or, in special-charter districts, to the board of trustees in which the case may arise.

C. S. (III), 5762.

Sec. 353. Aid to indigent child. The county board of education shall, in its discretion, order aid to be given the family from the operating and equipment fund of the county school budget to an extent not to exceed ten dollars per month for such child during the continuance of the compulsory term; and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

C. S. (III), 5763.

2. EXPLANATION AND PURPOSE OF LAW.

COMPULSORY AGE AND ATTENDANCE

All children "between the ages of seven and fourteen," that is, from the seventh to the fourteenth birthday, are required to attend the public school continuously, except as hereinafter provided.

All children between the ages mentioned above "shall attend school continuously for a period equal to the time when the public school in the district in which the child resides shall be in session." If the public school in the district in which the child resides runs six months, or even as much as ten months, the child must attend so long as the public school is in session. A public school is construed to mean the school in the district supported by State and county funds and local district taxes.

The county Superintendent of Public Welfare is the chief school attendance officer provided for by law and is charged with the duty of investigating and prosecuting all violations of the compulsory attendance law. The reports of the teachers give him the necessary information upon which to proceed in the enforcement of the law.

PRIVATE SCHOOLS AND TUTORS

If a child is attending a private school, he must attend for a term equal to that of the public school provided in the district in which the child resides. [*The original regulation with reference to private schools is now incorporated in section 347 of the compulsory attendance law.*] (1925, c. 226, s. 1.)

WHEN ABSENCES MAY BE EXCUSED

Section 347 of the compulsory attendance act provides that "the superintendent, principal, or teacher who is in charge of such school shall have the right to excuse a child for temporary absence on account of sickness or distance of residence from the school, or other unavoidable causes which do not constitute truancy as defined by the State Board of Education." The superintendent, principal, or teacher, whenever said teacher is in charge of the school, may excuse children for non-attendance under the following conditions:

1. **Illness of the child** that incapacitates the child from attending school shall constitute a legitimate excuse for non-attendance. The principal or teacher, however, shall require a physician's certificate if a child is continually absent for illness, unless the teacher is satisfied that the child is really unable to attend school. But wherever it is inconvenient to secure a physician's certificate, it shall be the duty of the teacher to investigate continued absence for illness, and if the teacher is not satisfied that the reputed illness is sufficient cause for absence, she shall report the case to the county health officer for final decision.

2. **Illness in the family** is a legitimate excuse for non-attendance wherever it is apparent that the child's services are needed in the home or wherever there may be danger of spreading a contagious disease.

3. **Death in the immediate family** is likewise a legitimate excuse for non-attendance.

4. **Quarantine** is, of course, a legitimate excuse, and quarantine shall be understood to mean isolation by order of the local or State Board of Health.

5. **Physical incapacity** shall be an excuse for non-attendance. This shall be interpreted to mean physical defects which make it difficult for the child to attend school, or which render the instruction of the child impracticable in any other than special class or a special school. Wherever possible, special classes should be provided for such pupils, who would be encouraged though not required to attend.

6. **Mental incapacity** shall be an excuse for non-attendance, and is interpreted to mean feeble-mindedness or such nervous disorder as to make it either impossible for such child to profit by instruction given in the school or impracticable for the teacher properly to instruct the normal pupils of the school. In the case of feeble-minded children the teacher shall designate the same in her reports to the county superintendent of public welfare, and it shall be his duty to report all such cases to the State Board of Charities and Public Welfare.

7. **Severe weather,** that may be dangerous to the health or safety of the children in transit to and from school, shall constitute a legitimate excuse for non-attendance.

8. **Distance from the school** shall constitute a legitimate excuse for non-attendance if a child resides two and a half miles or more by the nearest route of travel from the schoolhouse, and is not provided by the county or district with means of transportation. In such cases it shall be

the duty of the County Board of Education to make investigation and to provide for the attendance of such children.

9. **Poverty** in certain cases may be a legitimate excuse, but all such cases must be reported to the county superintendent of public welfare. Coöperation of individuals and organized agencies engaged in specialized social work should be invoked by the teacher. In this connection, school officials are referred to sections 352 and 353 of the compulsory attendance law printed elsewhere in this pamphlet.

10. **The completion of the course of study** of the public school of the district in which the child resides shall excuse the child from attending school, although said child may not have reached his fourteenth birthday.

DEMANDS OF THE FARM OR HOME

Section 348 of the compulsory school act provides that "immediate demands of the farm or home" in certain seasons of the year in the several sections of the State shall constitute a legal excuse for temporary non-attendance, and the State Board of Education is authorized to formulate such rules and regulations as it may deem necessary to meet the provisions of this act. Since the conditions in different parts of the State are so unlike, the State Board of Education authorizes the county boards of education to excuse temporary non-attendance in any particular county where the agricultural conditions are such as to show a reasonable need for the services of the children, under the following conditions:

1. Where it is apparent that the demands of the farm are serious enough to require the immediate services of the child, and

2. Where it is apparent that sufficient assistance to meet these demands is not at hand and cannot be secured.

3. Where it is apparent that the demands of the home, due to sickness or other causes, are such as to call for the immediate assistance of any child, and

4. Where it is apparent that immediate assistance is not available in the home and cannot be secured.

A full report of each and every case coming under this section must be sent to the State Department of Education on blanks supplied by the State Superintendent of Public Instruction, in order that the State Board of Education may determine to what extent this section of the law is appealed to.

There is no desire to work any hardship on any community. The object is to secure attendance first, and not to make the law so stringent as to work a hardship. It is well known that in the trucking season of the year the assistance of the older children in many cases is necessary. Moreover, at certain times during the cotton-picking season the assistance of the children is necessary. In other sections of the State agricultural demands may be such as to make the assistance of the older children necessary. But it hardly can be said that the children under ten years of age can be of much assistance, either in the cases of farm or domestic needs.

In such seasons of the year it might be wise to open school earlier and close about 12 or 1 o'clock, thus permitting the pupils to attend school the first half of the day and to aid their parents the second half. This has been tried with success in certain districts and only a very few students are actually required in the home or in the fields during the school session.

Note: Some counties have found it advantageous to divide the term by suspending the operation of the schools during cotton-picking time.

TRUANCY

Truancy is here refined to mean absence from school on the part of the child without the consent of the parent. The school should coöperate in every way possible with the parent to prevent or correct truancy, and the necessity for assuming this responsibility should be impressed upon the parent. It is particularly important to correct truancy in its early stages, because if not corrected there, it usually leads to serious forms of delinquency.

Any child who willfully absents himself from school for at least one day, is guilty of truancy, and it shall be the duty of the teacher to explain this law to the pupil and parent. Then if the child persists in willfully absenting himself from school, the teacher shall report the same to the attendance officer, whose duty it shall be to investigate the cause of his truancy and to notify the parent and the child that for the next offense reported by the teacher the child will be carried before the judge of the juvenile court, who has jurisdiction in the matter.

OTHER UNLAWFUL ABSENCES

Section 350 of the compulsory attendance act provides that any parent or guardian violating the provisions of this act shall be guilty of a misdemeanor, that is, if any parent is the cause of the child's non-attendance by keeping said child at home or permitting the child to be employed in any way contrary to C. S. II, 5032, he shall be guilty of a misdemeanor and the penalty is prescribed in section 350.

All absences due to the consent or indifference of the parents shall be considered unlawful absences. Such absences shall not be construed as truancy, but as violations of section 350 of the compulsory attendance law.

Parents who refuse to comply with the health regulations of a community, such as compulsory vaccination, thereby causing their children to be excluded from the school, are responsible for the non-attendance of their children and come within the provisions of section 350 of the compulsory school law.

3. RELATION OF STATE BOARD OF PUBLIC WELFARE TO THE LAW.

It being the duty of the county welfare officers to enforce the compulsory attendance law, C. S. 5017, the Commissioner of Public Welfare is the responsible head for the enforcement of the law. The several county superintendents of welfare throughout the State, when elected by their County Boards of Education and Commissioners, must be approved by the County Board of Welfare and by the State Board of Welfare before assuming office. The State Department of Welfare is therefore at the head of the enforcement of this law.

4. RELATION OF COUNTY SUPERINTENDENT OF PUBLIC WELFARE TO THE TEACHERS AND PRINCIPALS, TO EACH OTHER AND TO THE LAW.

DUTIES OF THE TEACHER

The failure or success of the compulsory attendance law depends mainly upon the care and the tact with which it is enforced by the teachers. They come in direct contact with the children and parents and they may, by firmly yet reasonably insisting upon the positive compliance with the law in every detail and by building up public sentiment in the community, arouse a spirit of coöperation that will make the operation of the law entirely frictionless and harmonious. It is the teacher who has the best opportunity to instruct the pupils and parents in the value of regular attendance and point out the waste and decreased efficiency resulting from irregular attendance upon the school.

Notices and blanks for reports have been prepared for the use of the teacher, who should not rely solely on them for securing the attendance of pupils, but should visit parents who may not see the necessity of observing the law, and should seek the coöperation of other parents and all social organizations of the community in an effort to persuade the parents to send their children to school.

Records and Reports Authorized by the State Superintendent.

Every teacher or principal is required to make the reports called for below, and the county superintendent shall not approve the final voucher of any teacher or principal until all reports have been made according to law. These forms are furnished by the welfare officer or county superintendent.

1. **Notice of Absence—Report Form C3.**

Every teacher should impress upon the child the necessity of providing a prompt excuse of his absence. Each child should be instructed to bring a written excuse from the parent on the first day of the return to school after having been absent. Such a rule as this will decrease materially the number of notices to be sent to parents and will aid the teacher in accounting for the absences from school.

2. **Weekly Report to County Superintendent of Public Welfare—Report Form C5.**

On each Friday afternoon the teacher or principal in charge shall report to the county superintendent of public welfare the names and other required information of all children of compulsory attendance age who were absent during the preceding week and for whom no valid excuses were rendered. Only one report covering the entire school and signed by the principal will be necessary in schools of two or more teachers.

3. **School Record of Evidence—Report Form C7.**

Two weeks previous to the close of the school term the teacher or principal shall read and explain the child labor law and rulings of the Commission to the pupils. Opportunity shall then be given to those expecting to enter employment to make their desire known to the teacher or principal. Those wishing to enter employment will be furnished with a school record of evidence. The evidence secured upon this school record of evidence will be considered by the Superintendent of Public Welfare or authorized agent of the Commission in issuing a child labor certificate in accordance with the provisions of the Child Labor Law.

APPENDIX

TABLE I

ENROLLMENT BY RACE, AGE AND SEX IN THE PUBLIC SCHOOLS BY 6 N. C. COUNTIES, 1927-28

	Cherokee County			Halifax County			Moore County			Orange County			Lenoir County	Union County
	White	Colored	Total	White	Colored	Total	White	Colored	Total	White	Colored	Total	White	White
Total Children	**1,372**	**70**	**1,442**	**965**	**1,857**	**2,822**	**1,635**	**1,243**	**2,878**	**946**	**586**	**1,532**	**1,143**	**1,830**
Under 7 years	114	7	121	87	107	194	159	133	312	125	45	170	120	157
7- 8 years	160	10	170	107	187	294	185	148	333	105	51	156	125	247
8- 9 years	160	16	176	115	194	309	198	176	374	116	53	169	153	222
9-10 years	158	8	166	112	194	306	190	120	313	93	64	157	131	235
10-11 years	174	3	177	127	193	320	175	155	330	100	64	164	115	192
11-12 years	162	1	163	108	206	314	162	106	268	88	54	142	110	285
12-13 years	155	11	166	99	174	273	149	108	257	86	50	136	125	89
13-14 years	116	6	122	95	162	257	157	88	245	78	43	121	95	107
14-15 years	82	4	86	57	133	190	111	78	189	49	44	93	66	54
15-16 years	36	-------	36	29	114	143	45	52	97	26	24	50	38	26
16-17 years	12	2	14	17	70	87	33	29	62	14	34	48	22	15
17-18 years	9	1	10	5	44	49	12	7	19	2	14	16	13	5
18 and over	1	-------	1	5	20	25	12	11	22	6	14	20	7	1
Not reported	33	1	34	2	59	61	47	32	79	58	29	87	23	95
BOYS														
Total Boys	**717**	**32**	**749**	**487**	**866**	**1,353**	**849**	**588**	**1,437**	**589**	**261**	**850**	**567**	**922**
Under 7 years	58	2	60	45	49	94	77	56	133	100	19	119	65	79
7- 8 years	87	4	91	62	102	164	93	82	175	64	19	83	54	128
8- 9 years	80	11	91	55	92	147	103	89	192	59	19	78	76	106
9-10 years	72	2	74	61	98	159	105	53	158	46	34	80	62	129
10-11 years	89	-------	89	61	87	148	90	74	164	59	37	96	56	104
11-12 years	85	1	86	52	97	149	87	47	134	49	27	76	55	121
12-13 years	83	7	90	43	91	134	73	50	123	55	20	75	60	89

13-14 years	69	2	71	53	75	128	90	44	134	52	22	74	50	56
14-15 years	48	2	50	25	57	82	52	38	90	33	22	55	37	30
15-16 years	24		24	14	48	62	18	24	42	23	8	31	20	15
16-17 years	7	1	8	9	26	35	17	11	28	7	11	18	9	14
17-18 years	8		8	4	13	17	6	2	8	1	5	6	3	4
18 and over	0		0	3	5	8	6	3	9	5	6	11	3	1
Not reported	7		7		26	26	32	15	47	36	12	48	17	46
GIRLS														
Total Girls	**655**	**38**	**693**	**478**	**991**	**1,469**	**786**	**655**	**1,441**	**357**	**325**	**682**	**576**	**908**
Under 7 years	56	5	61	42	58	100	82	77	159	25	26	57	55	78
7- 8 years	73	6	79	45	85	130	92	66	158	51	32	73	71	119
8- 9 years	80	5	85	60	102	162	95	87	182	57	34	91	77	116
9-10 years	86	6	72	51	96	147	85	67	152	47	33	80	69	106
10-11 years	85	3	88	66	106	172	85	81	166	41	27	68	59	88
11-12 years	77		77	56	109	165	75	59	134	39	27	66	55	164
12-13 years	72	4	76	56	83	139	76	58	134	31	30	61	65	100
13-14 years	47	4	51	42	87	129	67	44	111	26	21	47	45	51
14-15 years	34	2	36	32	76	108	59	40	99	16	22	38	29	24
15-16 years	12		12	15	66	81	27	28	55	3	16	19	18	11
16-17 years	5	1	6	8	44	52	16	18	34	7	23	30	13	1
17-18 years	1	1	2	1	31	32	6	5	11	1	9	10	10	1
18 and over	1		1	2	15	17	6	8	14	1	8	9	4	0
Not reported	26	1	27	2	33	35	15	17	32	22	17	39	6	49

Total, 11,647.
White, 7,891.
Colored, 3,756.

TABLE II. TOTAL WHITE

AGE, SEX AND GRADE IN WHICH CHILDREN WERE ENROLLED IN SIX N. C. COUNTIES

Age and Sex	Children Enrolled in Specified Grade											
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	
BOYS AND GIRLS												
7 years and under	1,221	399	39	2								
8 years and under 9	238	374	290	60	2	1						
9 years and under 10	86	268	264	247	44	12	1					
10 years and under 11	47	120	225	267	184	32	6	1				
11 years and under 12	21	62	135	200	207	196	36					
12 years and under 13	14	21	68	119	175	245	112	6	1			
13 years and under 14	4	9	33	93	147	191	138	23	2	3		
14 years and under 15	4	5	9	40	68	123	137	19	10	5		
15 years and under 16	1	2	2	14	29	64	65	10	11	4	4	Advanced
16 years and under 17			4	3	7	23	40	7	6	15	6	
17 years and over			1		5	13	27	8	10	9	5	Normal
Age not Reported	66	45	33	25	18	12	28		2			**Retarded**
Totals	**1,702**	**1,305**	**1,103**	**1,070**	**886**	**912**	**590**	**74**	**42**	**36**	**15**	

BOYS												
7 years and under	667	192	14	1	1							
8 years and under 9	144	181	133	22	1							
9 years and under 10	55	168	138	95	15	6						
10 years and under 11	36	96	125	114	75	18	2					
11 years and under 12	16	41	78	108	103	82	15					
12 years and under 13	12	15	39	74	96	116	49	2				
13 years and under 14	4	8	28	58	99	104	61	11	1	1		
14 years and under 15	3	2	6	30	41	74	55	8	5	3		
15 years and under 16	1	2	1	10	20	37	32	4	6	4	1	Advanced
16 years and under 17				2	3	17	26	3	2	4	2	
17 years and over					3	8	18	3	3	5	3	Normal
Age not Reported	32	27	17	14	7	5	11					Retarded
Totals	**970**	**732**	**576**	**528**	**464**	**457**	**269**	**31**	**17**	**17**	**5**	

TABLE II—TOTAL WHITE (*Continued*)

Age and Sex	Children Enrolled in Specified Grade											
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	
GIRLS												
7 years and under	554	207	25	1								
8 years and under 9	94	193	157	38		1						
9 years and under 10	31	100	126	152	29	6	1					
10 years and under 11	11	24	100	153	109	24	4	1				
11 years and under 12	5	21	57	92	104	114	21					
12 years and under 13	2	6	29	45	79	129	63	4	1			
13 years and under 14		1	5	35	48	87	77	12	1	1		
14 years and under 15	1	3	3	12	27	49	82	11	5	3		
15 years and under 16			1	2	9	27	33	5	5	4	4	Advanced
16 years and under 17			4	1	4	6	14	5	4	8	4	
17 years and over			1		2	5	9	5	6	3	2	Normal
Age not Reported	34	18	16	11	11	7	17		3			Retarded
Totals	**732**	**573**	**527**	**542**	**422**	**455**	**321**	**43**	**25**	**19**	**10**	

	Number	%
Total Advanced	258	3.33
Boys	99	1.27
Girls	159	2.06
Total Retarded	3,255	42.03
Boys	1,914	24.70
Girls	1,341	17.31

	Number	%
Total Pupils	7,746	100.00
Boys	4,057	52.37
Girls	3,689	47.62
Total Average Pupils	4,233	54.64
Boys	2,044	26.38
Girls	2,189	28.25

TABLE II-A—TOTAL COLORED

AGE, SEX AND GRADE IN WHICH CHILDREN WERE ENROLLED IN SIX N. C. COUNTIES

Age and Sex	Children Enrolled in Specified Grade											
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	
TOTAL												
7 years and under	631	52	5	1								
8 years and under 9	299	73	55	9		2						
9 years and under 10	165	112	73	29	9	1	1					
10 years and under 11	98	106	126	61	16	7	2					
11 years and under 12	50	83	94	88	32	15	4					
12 years and under 13	29	52	81	89	59	26	7					
13 years and under 14	20	42	56	68	58	31	22	2				
14 years and under 15	7	23	32	64	63	33	29	2	2			
15 years and under 16	18	2	26	41	44	24	26	3	6			Advanced
16 years and under 17	3	2	7	23	24	29	32	5	6	4		
17 years and over	9		1	11	20	27	28	5	3	7		Normal
Age not Reported	34	23	15	13	19	9	3	1	1	1		Retarded
Totals	**1,363**	**570**	**571**	**497**	**344**	**204**	**154**	**18**	**18**	**12**		

TABLE II-A—TOTAL COLORED (*Continued*)

Age and Sex	Children Enrolled in Specified Grade											
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	
BOYS												
7 years and under	305	28	1	1								
8 years and under 9	164	27	19	1								
9 years and under 10	96	48	24	15	2		1					
10 years and under 11	60	51	68	22	8							
11 years and under 12	32	46	40	34	15	5						
12 years and under 13	15	39	34	43	25	10	2					
13 years and under 14	11	24	30	40	17	11	9	1				
14 years and under 15	4	15	19	33	25	14	8	1				
15 years and under 16	9	1	10	16	20	13	10	1				Advanced
16 years and under 17	1		3	10	10	9	13	2	1			
17 years and over	3		1	5	8	5	6	3		3		Normal
Age not Reported	15	8	9	8	7		2	1				Retarded
Totals	**715**	**287**	**248**	**228**	**137**	**67**	**51**	**9**	**1**	**3**		

GIRLS												
7 years and under	326	24	4									
8 years and under 9	135	46	36	8		2						
9 years and under 10	69	64	49	14	7	1						
10 years and under 11	38	55	68	39	8	7	2					
11 years and under 12	18	37	54	54	17	10	4					
12 years and under 13	14	13	47	46	34	16	5					
13 years and under 14	9	18	26	28	41	20	13	1				
14 years and under 15	3	8	13	31	38	19	21	1	2			
15 years and under 16	9	1	16	25	24	11	16	2	6			Advanced
16 years and under 17	2	2	4	13	14	20	19	3	5	4		
17 years and over	6			6	12	22	22	2	3	4		Normal
Age not Reported	19	15	6	5	12	9	1		1	1		Retarded
Totals	**648**	**283**	**323**	**269**	**207**	**137**	**103**	**9**	**17**	**9**		

	Number	%
Total Advanced	41	1.10
Boys	6	.20
Girls	35	.90
Total Retarded	2,602	69.36
Boys	1,259	33.56
Girls	1,343	35.81

	Number	%
Total Normal	1,108	29.53
Boys	491	13.08
Girls	617	16.45
Total Pupils	3,751	100.00
Boys	1,746	46.54
Girls	2,005	53.46

TABLE III—TOTAL DAYS ABSENT FROM SCHOOL BY SEX AND COUNTY OF

Total Children in 6 Counties of North Carolina	Cherokee County						Halifax County					
	White		Colored		Total		White		Colored		Total	
		%		%		%		%		%		%
Present every day	128	9.33	8	11.43	136	9.43	65	6.74	62	3.34	127	4.50
Less than 10 days	401	29.20	40	57.14	441	30.58	270	27.98	304	16.37	574	20.34
10-20 days	318	23.20	13	18.57	331	22.95	250	25.91	330	17.77	580	20.55
20-30 days	212	15.50	1	1.43	213	14.77	132	13.68	301	16.21	433	15.34
30-40 days	127	9.30	------	------	127	8.81	94	9.74	230	12.39	324	11.48
40-50 days	69	5.00	3	4.29	72	5.00	61	6.32	209	11.25	270	9.57
50-60 days	39	2.80	4	5.71	43	2.98	40	4.15	158	8.51	198	7.02
60 days and over	79	5.80	1	1.43	80	5.55	53	5.49	263	14.16	311	11.02
Total Pupils Absent	1,244	90.67	62	88.57	1,306	90.57	900	93.26	1,795	96.66	2,695	95.50
Total Pupils	**1,372**	------	**70**	------	**1,442**	------	**965**	------	**1,857**	------	**2,822**	------
BOYS												
Present every day	63	8.80	3	9.09	66	8.80	26	5.34	34	3.93	60	4.43
Less than 10 days	204	28.40	19	57.78	223	29.73	128	26.28	136	15.70	264	19.51
10-20 days	165	23.01	7	21.21	172	22.93	117	24.02	125	14.43	242	17.89
20-30 days	113	15.76	------	------	113	15.07	68	13.96	129	14.90	197	14.56
30-40 days	70	9.80	------	------	70	9.33	50	10.27	99	11.43	149	11.01
40-50 days	34	4.70	1	30.30	35	4.67	30	6.16	115	13.28	145	10.72
50-60 days	20	2.90	2	6.06	22	2.93	29	5.95	74	8.55	103	7.61
60 days and over	48	6.70	1	30.30	49	6.53	39	8.01	154	17.78	193	14.26
Total Boys Absent	654	91.21	30	90.91	684	91.20	461	94.66	832	96.07	1,293	95.57
Total Boys	**717**	------	**33**	------	**750**	------	**487**	------	**866**	------	**1,353**	------
GIRLS												
Present every day	65	9.90	5	13.51	70	10.12	39	18.16	28	2.83	67	4.56
Less than 10 days	197	30.08	21	56.76	218	31.50	142	29.71	168	16.95	310	21.10
10-20 days	153	23.36	6	16.22	159	22.98	133	27.82	205	20.69	338	23.01
20-30 days	99	15.11	1	2.70	100	14.45	64	13.39	172	17.36	236	16.07
30-40 days	57	8.70	------	------	57	8.24	44	9.21	131	13.22	175	11.91
40-50 days	35	5.34	2	5.41	37	5.35	31	6.49	94	9.49	125	8.51
50-60 days	19	2.90	2	5.41	21	3.03	11	2.30	84	8.48	95	6.47
60 days and over	31	4.73	------	------	31	4.48	14	2.93	109	11.00	123	8.37
Total Girls Absent	590	90.08	32	86.49	622	89.88	439	91.84	963	97.17	1,402	95.44
Total Girls	**655**	------	**37**	------	**692**	------	**478**	------	**991**	------	**1,469**	------

Total Children, 10,789—Reporting 1 or more absence—93.43%.
Those not absent (not included), 758—6.57%.

RESIDENCE OF CHILDREN ENROLLED IN PUBLIC SCHOOLS IN 6 N. C. COUNTIES

Moore County						Orange County						Lenoir		Union	
White		Colored		Total		White		Colored		Total		White		White	
	%		%		%		%		%		%		%		%
195	11.93	145	11.67	340	11.81	0	0	4	.68	------	.68	------	------	225	7.23
515	31.50	416	33.47	931	32.35	401	43.59	268	46.05	669	14.54	608	53.19	585	33.82
435	26.61	273	21.96	708	24.60	215	23.37	126	21.65	341	22.70	231	20.21	468	27.05
211	12.91	167	13.44	378	13.13	134	14.57	85	14.60	219	14.58	136	11.90	271	15.66
142	8.69	99	7.96	241	8.37	78	8.48	48	8.25	126	8.39	74	6.47	138	7.98
76	4.65	62	4.99	138	4.79	43	4.67	29	4.98	72	4.79	49	4.29	74	4.28
29	1.77	25	2.01	54	1.88	20	2.17	18	3.09	38	2.53	24	2.10	31	1.79
32	1.96	56	4.51	88	3.06	24	2.61	8	1.37	32	2.13	21	1.84	38	2.20
1,440	88.07	1,098	88.33	2,538	18.19	920	100.00	582	100.00	1,502	100.00	1,143	100.00	1,605	92.77
1,635	------	**1,243**	------	**2,878**	------	**920**	------	**586**	------	**1,506**	------	**1,143**	------	**1,830**	-----
98	11.54	74	12.59	172	11.97	0	------	0	------	0	------	0	------	58	6.29
267	31.45	186	31.63	953	66.32	225	40.69	118	45.21	343	42.14	287	50.62	304	32.97
215	25.32	116	19.73	331	23.03	133	24.05	51	19.54	184	22.60	114	20.11	240	26.03
115	8.50	74	12.59	189	13.15	95	17.18	43	16.48	138	16.95	73	12.87	162	17.57
77	9.07	54	9.18	131	9.12	44	7.96	24	9.20	68	8.35	40	7.05	79	8.57
42	4.95	35	5.95	77	5.36	26	4.70	13	4.98	39	4.19	27	4.76	42	4.56
16	1.88	11	1.87	27	1.88	14	2.53	9	3.45	23	2.83	15	2.65	20	2.17
19	2.24	38	6.46	57	3.97	16	2.89	3	1.15	19	2.33	11	1.94	17	1.84
751	88.46	514	87.41	1,265	88.03	553	100.00	261	100.00	814	100.00	567	100.00	864	93.71
849	------	**588**	------	**1,437**	------	**553**	------	**261**	------	**814**	------	**567**	------	**922**	-----
97	12.34	71	10.84	168	11.66	0	------	0	------	0	------	0	------	167	8.29
248	31.55	230	35.11	478	33.17	176	47.96	151	47.04	326	47.38	321	55.73	281	34.78
220	27.99	157	23.97	377	26.16	72	19.62	75	23.36	147	21.37	117	20.31	228	28.22
96	12.21	93	14.20	189	13.12	44	11.99	42	13.08	86	12.50	63	10.94	109	13.49
65	8.27	45	6.87	110	76.34	34	9.26	24	7.48	58	8.43	34	5.90	59	7.30
34	4.33	27	4.12	61	4.23	17	4.63	16	4.98	33	4.80	22	3.82	32	3.96
13	1.65	14	2.14	27	1.87	6	1.63	9	2.80	15	2.18	9	1.56	11	1.36
13	1.65	18	2.75	31	2.15	8	2.18	5	1.56	13	1.89	10	1.74	21	2.60
689	87.66	584	89.16	1,273	88.34	367	100.00	321	100.00	688	100.00	576	100.00	741	91.71
786	------	**655**	------	**1,441**	------	**367**	------	**321**	------	**688**	------	**576**	------	**908**	-----

TABLE IV—WHITE

AGE, SEX AND TOTAL DAYS ABSENT FROM SCHOOL FOR CHILDREN ENROLLED IN SIX N. C. COUNTIES

Age and Sex of Pupil	Under 10 Days		10-20 Days		20-30 Days		30-40 Days		40-50 Days		50-60 Days		Over 60 Days		Total by Age	
	%		%		%		%		%		%		%		%	
TOTAL																
Under 7 years	8.0	219	9.1	174	10.9	120	10.0	66	14.2	53	12.8	24	12.0	29	9.4	685
7- 8 years	11.2	313	12.8	245	13.5	149	13.0	86	12.3	46	13.9	26	10.8	26	12.3	891
8- 9 years	13.4	372	13.5	258	10.3	114	10.1	67	10.7	40	10.7	20	9.5	23	12.3	894
9-10 years	13.2	367	11.3	217	10.7	118	12.3	81	8.3	31	9.6	18	8.3	20	11.7	852
10-11 years	12.1	336	10.8	207	10.2	112	10.6	70	8.3	31	15.0	28	11.2	27	11.2	811
11-12 years	12.5	347	10.2	196	9.5	105	9.8	65	8.0	30	9.1	17	11.6	28	10.9	788
12-13 years	10.6	296	10.4	199	8.3	92	8.8	58	10.5	39	6.4	12	7.0	17	9.8	713
13-14 years	7.1	198	8.7	166	9.0	99	10.4	69	9.9	37	9.1	17	10.4	25	8.4	611
14-15 years	4.8	134	4.9	95	7.6	84	4.5	30	7.5	28	4.3	8	6.2	15	5.4	394
15-16 years	1.9	54	2.3	44	3.7	41	3.6	24	4.0	15	3.2	6	7.0	17	2.8	201
16 years and over	2.4	68	2.5	48	2.0	22	3.0	20	2.7	10	3.2	6	3.3	8	2.5	182
Not Reported	2.7	76	3.4	66	4.1	45	3.6	24	3.5	13	2.7	5	2.5	6	3.2	235
Total	**38.3**	**2,780**	**26.4**	**1,915**	**15.2**	**1,101**	**9.1**	**660**	**5.1**	**373**	**2.6**	**187**	**3.3**	**241**	**100.0**	**7,257**
BOYS																
Under 7 years	8.8	124	9.2	90	10.7	67	10.9	40	10.4	21	14.8	17	11.6	17	9.8	376
7- 8 years	12.1	171	11.1	109	13.4	84	12.0	44	12.4	25	9.6	11	9.5	14	11.9	458
8- 9 years	12.6	178	12.5	123	10.0	63	7.9	29	11.9	24	11.3	13	5.4	8	11.4	438
9-10 years	12.4	175	11.7	115	9.6	60	14.2	52	9.4	19	11.3	13	5.4	8	11.5	442
10-11 years	10.9	154	11.1	109	11.0	69	9.9	36	8.9	18	16.5	19	11.6	17	10.9	422
11-12 years	12.4	176	10.3	101	9.3	58	10.9	40	8.9	18	11.3	13	15.0	22	11.1	428
12-13 years	10.1	143	11.9	117	8.3	52	7.4	27	10.4	21	6.1	7	6.8	10	9.8	377
13-14 years	7.5	106	9.3	91	9.4	59	12.1	44	10.4	21	7.8	9	13.6	20	9.1	350

14-15 years	5.6	79	4.3	42	8.0	50	3.6	13	8.0	16	3.5	4	6.1	9	5.5	213
15-16 years	2.0	29	2.3	23	3.8	24	4.4	16	3.5	7	2.6	3	10.9	16	3.1	118
16 years and over	2.4	34	2.6	26	2.4	15	3.6	13	3.5	7	4.4	5	2.7	4	2.7	104
Not Reported	3.2	46	3.7	36	4.0	25	3.0	11	2.0	4	1.1	1	1.4	2	3.2	125
Totals	**36.7**	**1,415**	**25.5**	**982**	**16.2**	**626**	**9.5**	**365**	**5.2**	**201**	**3.0**	**115**	**3.8**	**147**	**100.0**	**3,851**
GIRLS																
Under 7 years	7.0	95	9.0	84	11.2	53	8.8	26	18.6	32	9.7	7	12.8	12	9.1	309
7- 8 years	10.4	142	14.6	136	13.7	65	14.2	42	12.2	21	16.7	12	12.8	12	12.6	430
8- 9 years	14.2	194	14.5	135	10.7	51	12.9	38	9.3	16	13.9	10	17.0	16	13.5	460
9-10 years	14.1	192	10.9	102	12.2	58	9.8	29	7.0	12	6.9	5	11.7	11	12.0	409
10-11 years	13.3	182	10.5	98	9.1	43	11.5	34	7.5	13	13.9	10	10.6	10	11.4	390
11-12 years	12.5	171	10.2	95	9.9	47	8.5	25	7.0	12	5.6	4	6.4	6	10.6	360
12-13 years	11.2	153	8.8	82	8.4	40	10.5	31	10.5	18	4.2	3	7.4	7	9.8	334
13-14 years	6.7	92	8.0	75	8.4	40	8.5	25	9.3	16	13.9	10	5.3	5	7.7	263
14-15 years	4.0	55	5.7	53	7.2	34	5.8	17	7.0	12	5.6	4	5.3	5	5.3	180
15-16 years	1.8	25	2.2	21	3.6	17	2.7	8	4.6	8	2.8	2	2.1	2	2.4	83
16 years and over	2.5	34	2.3	22	1.5	7	2.4	7	1.7	3	1.4	1	4.2	4	2.3	78
Not Reported	2.2	30	3.2	30	4.2	20	4.4	13	5.3	9	5.6	4	4.2	4	3.2	110
Total	**40.1**	**1,365**	**27.4**	**933**	**13.9**	**475**	**8.6**	**295**	**5.0**	**172**	**2.1**	**72**	**2.8**	**94**	**100.0**	**3,406**

Total Pupils, 7,257: Boys, 3,851; Girls, 3,406.

TABLE IV-A—COLORED

AGE, SEX AND TOTAL DAYS ABSENT FROM SCHOOL FOR CHILDREN ENROLLED IN SIX N. C. COUNTIES

Age and Sex of Pupil	Under 10 Days		10-20 Days		20-30 Days		30-40 Days		40-50 Days		50-60 Days		Over 60 Days		Total by Age	
	%		%		%		%		%		%		%		%	
TOTAL																
Under 7 years	36.8	99	18.6	50	13.7	37	9.7	26	6.7	18	5.2	14	9.3	25	7.6	269
7- 8 years	25.6	94	22.3	82	14.4	53	9.2	34	11.1	41	8.2	30	9.2	34	10.4	368
8- 9 years	35.8	146	21.6	88	13.7	56	9.6	39	7.1	29	4.9	20	7.3	30	11.5	408
9-10 years	33.6	123	21.8	80	17.2	63	10.4	38	6.3	23	5.2	19	5.5	20	10.3	366
10-11 years	33.5	133	21.7	86	17.6	70	10.8	43	6.3	25	3.3	13	6.8	27	11.2	397
11-12 years	28.1	96	21.3	73	17.3	59	10.8	37	9.9	34	5.6	19	7.0	24	9.7	342
12-13 years	28.0	89	25.5	81	13.2	42	9.1	29	7.5	24	6.6	21	10.1	32	9.0	318
13-14 years	25.0	70	24.5	69	13.2	37	11.4	32	8.9	25	7.8	22	9.2	26	7.9	281
14-15 years	19.5	46	17.4	41	19.1	45	14.0	33	11.4	27	3.8	9	14.8	35	6.7	236
15-16 years	19.6	37	18.0	34	15.9	30	12.2	23	11.6	22	9.0	17	13.7	26	5.3	189
16 years and over	21.7	52	16.25	39	18.3	44	12.1	29	8.75	21	5.8	14	17.1	41	6.8	240
Not Reported	35.3	42	15.1	18	15.1	18	11.8	14	11.8	14	5.9	7	5.0	6	3.4	119
Total	**29.0**	**1,027**	**21.0**	**741**	**15.7**	**554**	**10.7**	**377**	**8.6**	**303**	**5.8**	**205**	**9.2**	**326**	**100.0**	**3,533**
BOYS																
Under 7 years	37.6	41	19.3	21	9.2	10	9.2	10	5.5	6	6.4	7	12.8	14	6.7	109
7- 8 years	23.7	45	17.3	33	18.0	34	7.9	15	13.1	25	9.5	18	10.5	20	11.6	190
8- 9 years	31.9	61	18.3	35	15.2	29	11.0	21	8.4	16	4.7	9	10.5	20	11.7	191
9-10 years	31.3	55	19.9	35	21.0	37	10.2	18	8.0	14	4.5	8	5.1	9	10.8	176
10-11 years	35.1	67	21.0	40	14.1	27	11.5	22	7.3	14	3.1	6	7.9	15	11.7	191
11-12 years	26.4	42	18.2	29	19.5	31	10.7	17	11.3	18	3.8	6	10.1	16	9.7	159
12-13 years	29.7	46	18.7	29	10.3	16	9.7	15	9.7	15	5.8	9	16.1	25	9.5	155
13-14 years	23.7	32	20.8	28	14.8	20	11.9	16	8.1	11	8.1	11	12.6	17	8.2	135

14-15 years	17.5	20	17.5	20	9.7	11	14.9	17	13.2	15	5.3	6	21.9	25	7.0	114
15-16 years	18.5	15	13.6	11	12.35	10	11.1	9	14.8	12	12.35	10	17.3	14	4.9	81
16 years and over	21.3	17	10.0	8	18.8	15	10.0	8	13.7	11	3.7	3	22.5	18	4.9	80
Not Reported	35.2	19	14.8	8	11.1	6	16.7	9	13.0	7	5.5	3	3.7	2	3.3	54
Total	**28.1**	**1,460**	**18.2**	**297**	**15.1**	**246**	**10.8**	**177**	**10.0**	**164**	**5.9**	**96**	**11.9**	**195**	**100.0**	**1,635**
GIRLS																
Under 7 years	36.2	58	18.1	29	16.9	27	10.0	16	7.5	12	4.4	7	6.8	11	8.4	160
7- 8 years	27.5	49	27.5	49	10.7	19	10.7	19	9.0	16	6.7	12	7.8	14	9.4	178
8- 9 years	39.1	85	24.4	53	12.4	27	8.2	18	6.0	13	5.0	11	4.6	10	11.4	217
9-10 years	35.8	68	23.7	45	13.7	26	10.5	20	4.7	9	5.8	11	5.8	11	10.0	190
10-11 years	32.0	66	22.3	46	20.9	43	10.2	21	5.2	11	3.4	7	5.8	12	10.9	206
11-12 years	29.5	54	24.0	44	15.3	28	10.9	20	8.7	16	7.1	13	4.3	8	9.6	183
12-13 years	26.4	43	31.9	52	16.0	26	8.6	14	5.5	9	7.4	12	4.3	7	8.6	163
13-14 years	26.2	38	27.6	40	11.7	17	11.0	16	9.6	14	7.6	11	6.2	9	7.6	145
14-15 years	21.1	26	17.9	22	27.6	34	13.0	16	9.7	12	2.4	3	8.1	10	6.5	123
15-16 years	20.4	22	21.3	23	18.5	20	13.0	14	9.3	10	6.5	7	11.1	12	5.7	108
16 years and over	21.9	35	19.4	31	18.1	29	13.1	21	6.2	10	6.9	11	14.4	23	8.4	160
Not Reported	35.4	23	15.4	10	18.5	12	7.7	5	10.7	7	6.2	4	6.2	4	3.4	65
Total	**29.9**	**567**	**23.4**	**444**	**16.2**	**308**	**10.5**	**200**	**7.3**	**139**	**5.7**	**109**	**6.9**	**131**	**100.0**	**1,898**

Total Pupils, 3,533: Boys, 1,635; Girls, 1,898.

TABLE V—TOTAL WHITE

REASONS FOR ABSENCE AND NUMBER OF DAYS ABSENT FOR SPECIFIED REASONS FOR CHILDREN ENROLLED IN SCHOOL IN SIX N. C. COUNTIES

Reasons for Absence	Pupils Reporting Number of Days Absent for Specified Reasons														Total Absent by Cause	
	Under 10 Days		10-20 Days		20-30 Days		30-40 Days		40-50 Days		50-60 Days		Over 60 Days			
	%		%		%		%		%		%		%		%	
TOTAL PUPILS																
Agricultural Work	14.2	1,472	16.6	484	17.6	171	19.7	73	26.8	47	21.6	16	29.0	27	15.3	2,290
Other Work	15.7	1,620	8.5	248	6.4	62	5.1	19	6.9	12	5.4	4	4.3	4	13.2	1,969
Weather	23.2	2,398	9.6	279	3.2	31	4.0	15	.6	1	-------	-------	1.1	1	18.3	2,725
Illness	33.6	3,475	57.0	1,658	62.6	608	60.0	222	43.4	76	45.9	34	38.7	36	41.0	6,109
Out of District	2.3	233	1.0	30	1.4	14	1.6	6	9.7	17	17.6	13	2.1	2	2.1	315
Poverty	.5	54	.7	21	.4	4	.3	1	1.7	3	2.7	2	1.1	1	.6	86
Parental Indifference	9.2	946	5.9	172	7.7	75	7.6	28	9.1	16	6.7	5	22.6	21	8.5	1,263
Truancy	1.2	130	.5	14	.5	5	1.6	6	1.7	3	-------	-------	1.1	1	1.1	159
Total	**69.2**	**10,328**	**19.5**	**2,906**	**6.5**	**970**	**2.5**	**370**	**1.2**	**175**	**.5**	**74**	**.6**	**93**	**100.0**	**14,916**
BOYS																
Agricultural Work	16.1	912	20.5	321	23.2	127	25.7	52	36.0	36	29.2	14	39.0	23	18.1	1,485
Other Work	15.3	870	7.9	124	5.1	28	4.4	9	6.0	6	4.2	2	5.9	3	12.7	1,042
Weather	21.9	1,240	8.7	136	3.3	18	-------	-------	-------	-------	-------	-------	1.9	1	17.0	1,395
Illness	32.5	1,844	53.7	839	58.5	320	56.9	115	46.0	46	43.7	21	30.5	18	39.1	3,203
Out of District	2.0	115	.8	13	1.1	6	2.0	4	1.0	1	16.7	8	3.8	2	1.8	149
Poverty	.4	24	.8	13	.2	1	-------	-------	1.0	1	-------	-------	-------	-------	.5	39
Parental Indifference	10.0	570	6.9	108	7.9	43	9.9	20	9.0	9	4.2	2	18.6	11	9.3	763
Truancy	1.7	96	.6	9	.8	4	1.0	2	1.0	1	2.1	1	1.9	1	1.4	114
Total	**69.2**	**5,671**	**19.9**	**1,563**	**6.7**	**547**	**2.5**	**202**	**1.2**	**100**	**.6**	**48**	**.7**	**59**	**100.0**	**8,190**

GIRLS																
Agricultural Work	12.0	500	12.1	163	10.4	44	12.5	21	14.7	11	7.7	2	11.8	4	12.0	805
Other Work	16.1	750	9.2	124	8.0	34	5.9	10	8.0	6	7.7	2	2.9	1	13.8	927
Weather	24.9	1,158	10.6	143	3.1	13	8.9	15	1.3	1	-------	-------	11.8	4	19.8	1,334
Illness	35.0	1,631	61.0	819	68.1	288	63.7	107	57.3	43	69.2	18	41.2	14	43.4	2,920
Out of District	2.5	118	1.3	17	1.9	8	1.2	2	4.0	3	-------	-------	-------	-------	2.2	148
Poverty	.6	30	.6	8	.7	3	.6	1	5.3	4	7.7	2	11.8	4	.8	52
Parental Indifference	8.1	376	4.8	64	7.6	32	4.8	8	9.3	7	7.7	2	20.6	7	7.4	496
Truancy	.7	34	.4	5	.2	1	2.4	4	-------	-------	-------	-------	-------	-------	.6	44
Total	**69.2**	**4,657**	**20.0**	**1,343**	**6.3**	**423**	**2.5**	**168**	**1.1**	**75**	**.4**	**26**	**.5**	**34**	**100.0**	**6,726**

Total Pupils, 7,257: Boys, 3,851; Girls, 3,406.

TABLE V-A—TOTAL COLORED

REASONS FOR ABSENCE AND NUMBER OF DAYS ABSENT FOR SPECIFIED REASONS FOR CHILDREN ENROLLED IN SCHOOL IN SIX N. C. COUNTIES

Reasons for Absence	Children Reporting Number of Days Absent for Specified Reasons														Total Absence by Course	
	Under 10 Days		10-20 Days		20-30 Days		30-40 Days		40-50 Days		50-60 Days		Over 60 Days			
		%		%		%		%		%		%		%	%	
TOTAL CHILDREN																
Agricultural Work	856	16.5	529	36.0	289	49.4	198	62.5	146	74.9	84	77.8	103	65.6	27.5	2,205
Other Work	1,177	22.7	293	20.0	147	25.1	61	19.2	28	14.3	12	11.1	26	16.6	21.8	1,744
Weather	1,441	27.8	147	10.0	34	5.8	4	1.3	4	2.0	-------	-------	1	.6	20.3	1,631
Illness	1,293	24.9	366	24.9	77	13.2	25	7.9	4	2.0	4	3.7	10	6.5	22.2	1,779
Out of District	62	1.2	54	3.7	2	.3	6	1.9	3	1.5	-------	-------	1	.6	1.6	128
Poverty	70	1.3	7	.5	9	1.3	5	1.6	1	.5	2	1.8	2	1.3	1.2	96
Parental Indifference	229	4.4	65	4.4	22	3.3	14	4.4	6	3.0	5	4.5	9	5.5	4.4	350
Truancy	55	1.1	7	.5	5	.8	4	1.3	3	1.5	1	.9	5	3.0	1.0	80
Total	**5,183**	**64.7**	**1,468**	**18.3**	**585**	**7.3**	**317**	**4.0**	**195**	**2.4**	**108**	**1.3**	**157**	**2.0**	**100.0**	**8,013**
BOYS																
Agricultural Work	397	17.4	234	36.3	151	54.5	115	67.3	96	76.8	53	81.5	70	69.3	30.4	1,116
Other Work	517	22.6	160	24.8	60	21.6	29	17.0	16	12.8	7	10.8	19	18.8	22.0	808
Weather	611	26.7	59	9.1	16	5.8	4	2.3	4	3.2	-------	-------	-------	-------	18.9	694
Illness	567	24.8	154	23.9	29	10.5	12	7.0	1	.8	1	1.5	5	4.9	21.0	769
Out of District	21	.9	1	.2	1	.4	2	1.2	-------	-------	-------	-------	-------	-------	.7	25
Poverty	39	1.7	3	.5	6	2.2	-------	-------	1	.8	1	1.5	1	1.0	1.4	51
Parental Indifference	109	4.8	31	4.8	11	4.0	8	4.7	5	4.0	2	3.0	1	1.0	4.5	167
Truancy	25	1.1	3	.5	3	1.1	1	.6	2	1.6	1	1.5	5	4.9	1.1	40
Total	**2,286**	**62.3**	**645**	**17.6**	**277**	**7.5**	**171**	**4.6**	**125**	**3.4**	**65**	**1.8**	**101**	**2.8**	**100.0**	**3,670**

GIRLS																
Agricultural Work	459	15.8	295	35.8	138	44.8	83	56.8	50	71.4	31	72.1	33	58.9	25.1	1,089
Other Work	660	22.8	133	16.2	87	28.2	32	21.9	12	17.1	5	11.6	7	12.5	21.5	936
Weather	830	28.6	88	10.7	18	5.8							1	1.8	21.6	937
Illness	726	25.1	212	25.7	48	15.6	13	8.9	3	4.3	3	7.0	5	8.9	23.2	1,010
Out of District	41	1.4	53	6.4	1	.3	4	2.7	3	4.3			1	1.8	2.4	103
Poverty	31	1.1	4	.5	3	1.0	5	3.4			1	2.3	1	1.8	1.0	45
Parental Indifference	120	4.1	34	4.1	11	3.6	6	4.1	1	1.4	3	7.0	8	14.3	4.2	183
Truancy	30	1.0	4	.5	2	.7	3	2.0	1	1.4					.9	40
Total	**2,897**	**66.7**	**823**	**19.0**	**308**	**7.1**	**146**	**3.4**	**70**	**1.6**	**43**	**1.0**	**56**	**1.3**	**100.0**	**4,343**

Total Pupils, 3,533: Boys, 1,635; Girls, 1,898.

TABLE VII—TOTAL WHITE

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF AGRICULTURAL WORK

Age and Sex	Children Reporting Absent on Account of Agricultural Work																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7	21	5	30	14	32	3	12	2	5	------	3	------	12	1	17	3	8	1
7- 8 years	41	5	48	13	66	6	27	3	9	1	5	------	20	1	41	4	8	2
8- 9 years	42	7	57	12	74	8	37	1	19	------	10	1	26	------	35	6	9	------
9-10 years	46	9	66	14	83	7	37	2	16	2	16	1	26	2	52	6	20	1
10-11 years	69	12	88	28	119	13	49	5	19	1	24	6	41	3	83	8	15	3
11-12 years	71	7	84	32	116	17	45	7	28	2	26	1	53	2	90	5	15	2
12-13 years	85	7	115	19	123	14	58	1	30	1	42	------	72	3	98	11	23	2
13-14 years	77	11	94	24	130	18	67	9	33	1	51	2	97	5	101	17	20	2
14-15 years	62	9	89	19	98	17	51	9	26	2	17	3	34	7	45	15	13	1
15-16 years	25	4	36	13	53	15	32	7	9	1	19	2	27	3	25	11	7	2
16 years and over	31	5	34	14	49	16	33	5	10	2	13	2	21	3	21	5	2	------
Not Reported	7	3	6	6	32	2	14	4	6	------	7	------	13	------	11	3	2	------
Total Absent by Month	**577**	**84**	**747**	**208**	**975**	**135**	**462**	**57**	**210**	**13**	**233**	**18**	**442**	**30**	**619**	**94**	**142**	**16**
BOYS																		
Under 7	14	4	18	5	19	2	9	------	2	------	1	------	11	------	9	1	5	------
7- 8 years	27	5	28	11	41	3	13	3	5	------	3	------	10	------	22	2	3	2
8- 9 years	31	2	38	5	41	4	26	------	12	------	6	1	16	------	25	5	5	------
9-10 years	35	5	43	8	51	4	24	1	11	1	13	------	17	1	43	3	15	------
10-11 years	46	9	57	20	71	10	32	4	15	------	16	5	35	3	61	6	12	3

11-12 years	49	4	58	18	78	13	33	5	21	1	20	------	38	2	58	6	13	2
12-13 years	58	1	73	10	84	9	36	1	26	------	36	------	55	3	71	12	17	------
13-14 years	55	6	61	20	88	18	47	8	25	1	42	2	72	4	77	16	13	1
14-15 years	37	5	57	7	63	10	31	5	22	2	15	2	24	6	31	11	6	1
15-16 years	14	3	21	7	36	10	24	5	8	1	12	2	17	3	15	9	4	1
16 years and over	23	4	27	6	37	9	23	3	8	------	11	2	17	3	18	2	1	------
Not Reported	5	2	4	7	19	1	11	4	3	1	4	------	11	------	9	3	2	------
Total	**394**	**50**	**485**	**124**	**628**	**86**	**309**	**39**	**158**	**7**	**178**	**14**	**323**	**25**	**439**	**76**	**96**	**10**
GIRLS																		
Under 7 years	7	1	12	9	13	1	3	2	3	------	2	------	1	1	8	2	3	1
7- 8 years	14	1	20	2	25	3	14	------	4	2	2	------	10	1	19	2	5	------
8- 9 years	11	4	19	7	33	4	11	1	7	------	3	------	10	------	10	3	4	1
9-10 years	11	4	23	6	32	3	13	1	5	1	4	1	9	1	9	2	5	------
10-11 years	23	5	31	8	48	3	17	2	4	1	8	1	6	------	22	1	3	------
11-12 years	22	1	26	14	38	5	12	3	7	------	6	1	15	------	32	1	2	------
12-13 years	27	6	42	9	39	5	22	------	4	------	6	------	17	------	27	------	6	2
13-14 years	22	5	33	4	42	2	20	1	8	------	9	------	25	------	24	2	7	1
14-15 years	25	4	32	12	35	8	18	4	4	1	2	1	10	2	14	2	7	------
15-16 years	14	1	15	5	17	6	8	2	1	------	7	------	10	------	10	2	3	1
16 years and over	5	------	7	4	12	7	10	2	2	1	2	------	4	------	3	1	1	------
Not Reported	2	2	2	4	13	1	3	------	3	------	3	------	2	------	2	------	------	------
Total	**183**	**34**	**262**	**84**	**347**	**48**	**153**	**18**	**52**	**6**	**54**	**4**	**119**	**5**	**180**	**18**	**46**	**6**

TABLE VII-A—TOTAL WHITE

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF OTHER WORK

Age and Sex	Children Reporting Absent on Account of Other Work																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	6	-----	17	1	26	2	28	-----	16	1	13	-----	17	1	13	1	4	2
7- 8 years	18	-----	25	3	33	-----	28	2	19	1	20	-----	19	1	17	-----	4	-----
8- 9 years	24	1	27	1	24	1	47	1	29	-----	25	-----	35	-----	24	-----	3	-----
9-10 years	15	-----	27	-----	46	-----	50	4	31	-----	39	2	32	-----	35	3	5	-----
10-11 years	29	-----	25	1	53	1	51	-----	29	-----	44	-----	48	1	39	1	3	-----
11-12 years	26	1	25	2	41	-----	64	4	63	2	56	-----	60	1	36	1	9	1
12-13 years	10	2	34	3	48	3	64	2	68	-----	61	-----	60	2	40	3	10	-----
13-14 years	20	3	24	3	62	1	80	2	72	1	75	2	60	3	47	3	8	-----
14-15 years	20	-----	35	-----	45	2	55	3	57	2	54	8	52	2	33	2	11	1
15-16 years	11	1	19	-----	25	1	32	4	29	5	33	1	32	3	23	3	10	-----
16 years and over	8	-----	17	-----	23	1	21	1	27	2	26	1	25	2	16	2	3	-----
Not Reported	6	-----	13	-----	10	-----	10	-----	7	-----	16	-----	11	-----	7	-----	2	-----
Total	**193**	**8**	**288**	**14**	**436**	**12**	**530**	**23**	**447**	**14**	**462**	**14**	**450**	**16**	**330**	**19**	**71**	**4**
BOYS																		
Under 7 years	3	-----	8	-----	9	-----	13	-----	11	-----	5	-----	10	1	5	-----	4	2
7- 8 years	10	-----	15	-----	14	-----	14	-----	8	-----	11	-----	7	-----	10	-----	1	-----
8- 9 years	16	-----	17	-----	10	1	21	-----	15	-----	13	-----	12	-----	13	-----	3	-----
9-10 years	7	-----	11	-----	27	-----	25	1	14	-----	16	-----	18	1	18	1	2	-----
10-11 years	9	-----	13	-----	26	1	21	-----	19	-----	20	-----	18	1	18	1	2	-----

11-12 years	10	1	14	2	20	-----	40	3	36	2	31	-----	29	-----	13	1	5	-----
12-13 years	2	-----	12	-----	24	2	36	1	38	1	30	-----	25	-----	12	1	6	-----
13-14 years	8	1	5	-----	25	-----	39	1	32	1	35	2	25	2	18	3	1	-----
14-15 years	5	-----	20	-----	18	-----	28	2	30	1	29	3	19	2	12	1	2	-----
15-16 years	4	1	8	-----	13	-----	18	2	13	2	13	1	13	-----	10	2	3	-----
16 years and over	2	-----	8	-----	14	1	17	1	18	2	13	1	10	1	10	-----	3	-----
Not Reported	2	-----	5	-----	3	-----	7	-----	4	-----	8	-----	7	-----	3	-----	3	-----
Total	**78**	**3**	**136**	**2**	**203**	**5**	**279**	**11**	**238**	**9**	**224**	**7**	**193**	**8**	**142**	**10**	**35**	**2**
GIRLS																		
Under 7 years	3	-----	9	1	17	2	15	-----	5	1	8	-----	7	-----	8	1	2	-----
7- 8 years	8	-----	10	3	19	-----	14	2	11	1	9	-----	12	1	7	-----	1	-----
8- 9 years	8	1	10	1	14	-----	26	1	14	-----	12	-----	23	-----	11	-----	-----	-----
9-10 years	8	-----	16	-----	19	-----	25	1	17	-----	23	2	14	-----	17	-----	3	-----
10-11 years	20	-----	12	1	27	-----	30	-----	10	-----	24	-----	29	-----	21	1	1	-----
11-12 years	16	-----	11	2	21	-----	24	2	27	-----	25	-----	31	-----	23	1	4	1
12-13 years	8	2	22	3	24	1	28	1	30	-----	31	-----	35	2	28	-----	7	-----
13-14 years	12	2	19	1	37	2	41	2	40	-----	40	-----	35	1	29	3	4	-----
14-15 years	15	-----	15	-----	27	1	27	1	27	-----	25	5	33	-----	21	1	8	1
15-16 years	7	-----	11	-----	12	1	14	2	16	-----	20	-----	19	2	13	1	4	-----
16 years and over	6	-----	9	-----	9	-----	4	-----	9	3	13	-----	15	2	6	1	1	-----
Not Reported	4	-----	8	-----	7	-----	3	-----	3	-----	8	-----	4	-----	4	-----	1	-----
Total	**115**	**5**	**152**	**12**	**233**	**7**	**251**	**12**	**209**	**5**	**238**	**7**	**257**	**8**	**188**	**9**	**36**	**2**

TABLE VII-B—TOTAL WHITE

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF WEATHER

Age and Sex	Children Reporting Absent on Account of Weather																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	72		42		46		58		78		114		55		41		3	
7- 8 years	88		51		37		96	1	114	2	173	3	92	1	57		5	
8- 9 years	85		47		37		66		94	3	180	1	83		56		5	
9-10 years	83		37		33		62	1	94	4	178	2	90		66		5	
10-11 years	64		31		32		57		83	2	145	2	105	1	56	2	7	1
11-12 years	50	1	7		20		45		67	3	108	4	69	1	35		6	
12-13 years	42		16		20		51		67		118		53	1	35	1	6	
13-14 years	32		18		27		46	1	65		86	1	61	1	27	1	4	
14-15 years	21		7		11		26	1	36		59	1	28		21			
15-16 years	9		8		8		12	3	10		35		12	1	7		1	
16 years and over	8		1		6		5		12	2	16		4		2			
Not Reported	8		7		2		18		24		31		31		9			
Total Absent by Month	**562**	**1**	**272**		**278**		**542**	**7**	**744**	**16**	**1,243**	**14**	**683**	**6**	**412**	**4**	**44**	**1**
BOYS																		
Under 7 years	31		21		23		30		43	1	54	3	29		15			
7- 8 years	45		24		18		43		60	2	88		41	1	35		1	
8- 9 years	46		26		17		31	1	43	2	87	1	37		25		1	
9-10 years	39		17		13		38		49	1	86	2	47		35		2	
10-11 years	30		15		18		33		44	1	76	2	69	1	32	1	1	

11-12 years	30	1	4		12		22		31		53		32		17		4	
12-13 years	16		6		8		28		36		58		29	1	13		2	
13-14 years	16		13		13		26	1	33		47		37		10		1	
14-15 years	7		2		4		7	1	13		23		9		3			
15-16 years	2		2		4		3		5		13		3		1		1	
16 years and over	4		1		2		3		6	1	4							
Not Reported	4		3		2		8		15		24		12		5		1	
Total Absent by Month	**270**	**1**	**134**		**134**		**272**	**3**	**378**	**8**	**613**	**8**	**345**	**3**	**191**	**1**	**14**	
GIRLS																		
Under 7 years	41		21		23		28	1	35	1	60		26		23		3	
7- 8 years	43		27		19		53		54	1	85		51		25		4	
8- 9 years	39		21		22		35		51	2	93	2	46		30		3	
9-10 years	44		20		18		24		45		92	1	43		34		4	
10-11 years	34		16		14		24		39	2	69	1	36	1	23	1	5	1
11-12 years	20		3		7		23		36	1	55		37		19		3	
12-13 years	26		10		14		23		31		60	1	24	1	21	1	4	
13-14 years	16		5		12		19	1	32		39	1	24		16	1	3	
14-15 years	13		5		8		19		23		36		19	1	19			
15-16 years	8		6		4		9	2	5		22		9		4			
16 years and over	4				1		4		6	1	12		4		3			
Not Reported	4		4		2		8		9		7		19		4		1	
Total Absent by Month	**292**		**138**		**144**		**270**	**4**	**366**	**8**	**630**	**6**	**338**	**3**	**221**	**4**	**30**	**1**

TABLE VII-C—TOTAL WHITE

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF ILLNESS

Age and Sex	Children Reporting Absent on Account of Illness																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	127	3	135	7	211	21	325	40	336	71	335	41	266	28	187	10	76	6
7- 8 years	155	3	193	16	282	17	403	41	405	56	346	55	316	9	239	14	74	1
8- 9 years	121	2	158	9	224	15	390	30	393	54	342	49	279	15	191	6	69	1
9-10 years	103	5	156	11	215	13	375	25	363	39	311	34	236	22	179	5	65	1
10-11 years	90	4	116	5	183	8	305	29	330	41	265	28	195	6	126	4	51	1
11-12 years	79	2	112	9	166	14	306	30	301	42	275	21	181	13	128	4	30	------
12-13 years	61	3	106	3	139	17	300	17	267	24	246	14	154	3	113	5	39	------
13-14 years	57	3	97	10	130	10	220	21	211	20	185	18	122	3	77	5	20	------
14-15 years	34	2	45	2	54	6	124	11	130	12	130	11	73	6	49	------	23	------
15-16 years	12	------	21	2	32	2	59	1	69	6	62	4	41	3	30	2	10	------
16 years and over	10	------	27	4	29	2	78	3	71	6	46	7	46	------	36	2	8	------
Not Reported	16	------	27	1	62	------	102	3	86	12	76	10	60	6	42	3	12	------
Total	**865**	**27**	**1,193**	**79**	**1,727**	**125**	**2,987**	**251**	**2,962**	**383**	**2,619**	**290**	**1,969**	**114**	**1,397**	**60**	**477**	**10**
BOYS																		
Under 7 years	47	1	65	5	103	10	166	18	164	36	178	19	124	13	102	2	29	5
7- 8 years	80	1	97	6	151	8	215	23	206	28	167	36	174	5	126	5	34	1
8- 9 years	54	1	87	4	116	11	194	17	189	31	159	30	137	11	98	3	34	------
9-10 years	60	4	70	2	116	2	203	11	193	17	158	13	126	12	95	3	28	1
10-11 years	41	1	56	2	92	3	166	12	166	21	134	16	111	3	63	3	25	------

11-12 years	37	2	63	6	90	9	164	19	176	28	146	15	100	5	75	7	12	------
12-13 years	33	2	51	2	74	6	149	8	137	14	120	7	81	1	57	2	22	------
13-14 years	34	1	55	7	75	6	126	13	117	12	110	9	57	8	36	2	8	------
14-15 years	18	1	21	1	18	2	64	5	64	4	61	4	27	------	18	------	11	------
15-16 years	6	------	10	1	14	1	27	------	26	2	27	2	17	2	9	------	------	------
16 years and over	6	------	11	3	14	------	42	2	31	5	24	5	18	------	16	2	------	------
Not Reported	9	------	9	------	30	------	47	1	42	2	31	6	25	2	12	------	5	------
Total	**425**	**14**	**595**	**39**	**893**	**58**	**1,563**	**129**	**1,511**	**200**	**1,315**	**162**	**997**	**62**	**706**	**29**	**208**	**7**
GIRLS																		
Under 7 years	80	2	80	2	108	11	159	22	172	35	157	22	142	15	85	8	47	------
7- 8 years	75	2	96	10	131	9	188	18	199	28	179	19	142	4	113	5	40	1
8- 9 years	67	1	71	5	108	4	196	13	204	23	183	19	142	4	93	2	35	1
9-10 years	43	1	68	9	99	11	172	14	170	22	153	21	110	10	84	2	37	1
10-11 years	49	3	60	3	66	5	139	17	164	20	131	10	84	3	63	2	26	------
11-12 years	42	------	49	3	76	5	142	10	125	14	129	6	81	3	53	1	18	------
12-13 years	28	1	55	1	65	10	151	8	130	10	126	7	73	2	56	4	16	------
13-14 years	23	2	42	3	55	5	94	9	94	8	75	9	65	4	41	2	12	------
14-15 years	16	1	24	1	36	4	60	6	66	8	69	7	46	2	36	------	13	------
15-16 years	6	------	11	1	18	------	32	2	43	4	35	2	24	1	21	2	10	------
16 years and over	4	------	16	------	15	3	36	1	40	1	22	2	28	------	20	------	8	------
Not Reported	7	------	8	2	32	------	55	2	44	10	45	4	35	4	30	3	7	------
Total	**440**	**13**	**580**	**40**	**834**	**67**	**1,424**	**122**	**1,451**	**183**	**1,304**	**128**	**972**	**52**	**691**	**31**	**269**	**3**

TABLE VII-D—TOTAL COLORED

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF AGRICULTURAL WORK

Age and Sex	Children Reporting Absent on Account of Agricultural Work																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	2	2	10	------	40	4	26	11	11	5	9	6	15	9	16	9	5	2
7- 8 years	18	7	23	8	59	27	41	27	26	5	17	3	32	9	25	13	6	1
8- 9 years	13	4	27	3	56	45	57	31	37	11	29	10	38	13	53	17	7	4
9-10 years	16	7	26	2	80	29	61	31	42	9	34	9	42	17	56	22	10	8
10-11 years	32	9	34	8	94	48	95	35	58	6	43	10	59	16	67	21	10	2
11-12 years	17	13	20	8	86	53	71	43	60	10	69	7	73	15	79	31	17	3
12-13 years	26	11	20	8	78	52	74	50	49	7	40	9	61	24	83	29	26	1
13-14 years	25	8	31	5	69	46	59	43	60	11	48	10	61	18	62	22	23	4
14-15 years	29	11	31	12	59	48	52	47	59	11	49	10	76	12	59	26	14	5
15-16 years	13	8	12	12	30	37	46	24	41	5	42	3	54	8	44	10	12	7
16 years and over	20	8	18	8	48	53	48	46	67	11	52	5	56	17	58	19	19	3
Not Reported	5	1	1	4	19	14	22	11	18	2	11	2	14	6	18	4	2	1
Total Absent by Month	**222**	**89**	**273**	**78**	**724**	**454**	**652**	**399**	**548**	**93**	**454**	**83**	**581**	**163**	**639**	**222**	**154**	**41**
BOYS																		
Under 7 years	------	------	5	------	22	2	17	7	6	2	7	3	6	5	10	6	1	1
7- 8 years	14	3	15	6	36	20	25	22	16	5	12	1	19	6	23	10	4	1
8- 9 years	8	4	16	2	34	23	30	13	19	5	21	3	21	11	30	15	3	4
9-10 years	10	3	10	2	43	18	31	15	20	3	22	3	28	9	38	11	6	4
10-11 years	17	5	15	4	49	24	48	21	32	4	25	7	35	13	37	18	7	------

11-12 years	7	8	12	3	44	29	39	21	44	7	35	5	44	13	41	25	9	3
12-13 years	18	9	11	6	38	31	34	32	32	3	23	6	35	20	49	21	18	2
13-14 years	15	2	19	4	35	22	26	24	35	5	29	6	37	17	35	23	10	4
14-15 years	15	4	14	6	30	21	22	26	31	6	28	6	37	10	24	20	8	3
15-16 years	6	3	8	6	20	16	19	12	18	8	24	2	25	5	26	6	5	6
16 years and over	5	5	6	2	13	19	13	19	22	4	19	------	21	9	11	12	3	3
Not Reported	2	------	------	2	9	2	8	5	8	------	4	------	6	3	9	3	1	------
Total Absent by Month	**117**	**46**	**151**	**43**	**373**	**227**	**312**	**217**	**283**	**48**	**250**	**42**	**314**	**121**	**333**	**170**	**75**	**31**
GIRLS																		
Under 7 years	2	2	5	------	18	2	9	4	5	3	2	2	9	4	6	4	4	1
7- 8 years	4	4	8	2	23	7	16	5	10	------	5	7	13	3	11	3	2	------
8- 9 years	5	------	11	1	22	22	27	18	18	6	8	6	17	2	23	2	4	------
9-10 years	6	4	16	1	37	11	30	16	22	6	12	3	14	7	18	11	4	4
10-11 years	15	4	19	5	45	24	47	14	26	2	18	2	24	3	30	3	3	2
11-12 years	10	5	8	5	42	24	32	22	26	3	34	3	29	2	38	6	8	------
12-13 years	8	2	9	1	40	31	40	18	17	14	17	3	16	4	34	6	8	------
13-14 years	10	6	12	2	34	24	33	19	25	16	19	3	24	1	27	2	13	1
14-15 years	14	7	17	6	29	27	30	21	28	3	31	1	39	2	35	6	6	2
15-16 years	7	5	4	7	10	21	27	12	23	3	18	6	29	3	28	3	7	------
16 years and over	15	3	10	3	35	34	35	25	45	7	33	2	35	8	47	6	21	------
Not Reported	8	1	1	2	10	10	14	8	10	2	7	------	8	3	9	------	1	------
Total Absent by Month	**105**	**43**	**122**	**35**	**351**	**227**	**340**	**182**	**255**	**45**	**204**	**41**	**267**	**42**	**306**	**52**	**79**	**10**

TABLE VII-E—TOTAL COLORED

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF ILLNESS

Age and Sex	Children Reporting Absent on Account of Illness																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	7	2	15	1	32	4	55	10	63	14	58	4	52	3	28	6	8	1
7- 8 years	9	1	9	1	37	5	65	12	89	21	65	10	53	5	26	10	5	-----
8- 9 years	6	-----	8	-----	24	2	66	9	93	13	71	8	48	4	35	3	9	-----
9-10 years	4	-----	6	-----	24	2	56	4	72	7	40	4	37	2	24	5	3	-----
10-11 years	-----	-----	8	-----	221	2	56	5	85	9	54	4	31	4	20	2	2	-----
11-12 years	-----	-----	4	1	12	2	45	3	66	4	35	6	31	5	19	2	2	-----
12-13 years	-----	-----	1	-----	11	-----	32	2	58	3	35	3	23	2	15	-----	-----	-----
13-14 years	1	-----	1	-----	8	-----	24	3	28	6	15	4	9	-----	8	3	1	-----
14-15 years	1	-----	1	1	8	-----	17	-----	28	2	21	1	11	2	7	-----	3	-----
15-16 years	-----	-----	1	1	7	-----	14	2	29	3	11	2	5	1	9	1	-----	-----
16 years and over	1	-----	2	-----	6	1	14	4	20	7	15	1	13	4	6	2	1	-----
Not Reported	-----	-----	2	-----	6	-----	12	1	25	1	12	2	12	-----	6	1	1	1
Total Absent by Month	**29**	**3**	**59**	**5**	**199**	**18**	**445**	**55**	**655**	**92**	**432**	**48**	**324**	**32**	**206**	**33**	**35**	**2**
BOYS																		
Under 7 years	2	-----	4	1	8	3	12	4	23	6	23	2	18	2	13	1	4	1
7- 8 years	3	1	4	1	15	3	30	8	45	10	33	6	26	2	21	6	2	-----
8- 9 years	-----	-----	2	-----	11	1	30	5	49	7	32	5	28	2	14	2	3	-----
9-10 years	-----	-----	2	-----	14	2	31	3	40	3	18	2	22	-----	14	2	1	-----
10-11 years	3	-----	3	-----	10	-----	24	1	40	2	24	2	13	1	8	1	-----	-----

11-12 years			2		4		16	2	22	3	14	2	9	2	6	1		
12-13 years					3		14	1	30	1	11	1	10	1	4	2		
13-14 years					4		8	2	12	2	4	1	3		3		1	
14-15 years	1			1	4		5		10		7	1	5		3		1	
15-16 years	1				2		4	1	11		4	1	2	1	1	1		
16 years and over					3		6		7		4	1	3	1	1			
Not Reported			3		5		4	1	9		4	2	3	1				
Total Absent by Month	**10**	**1**	**20**	**3**	**83**	**9**	**174**	**28**	**298**	**34**	**178**	**26**	**142**	**13**	**88**	**16**	**12**	**1**
GIRLS																		
Under 7 years	5		11		24	1	43	6	40	12	35	2	34	2	15	5	4	
7- 8 years	6	1	5		22	2	35	4	44	10	32	4	27	3	5	4	3	
8- 9 years	4	1	6		13	1	36	4	44	5	39	3	20	1	21	1	6	
9-10 years	1		4		10		25	1	32	3	22	2	15	2	10	3	2	
10-11 years			5	1	14	2	32	4	47	6	30	2	17	5	12	1	2	
11-12 years			2		8	1	29	1	44	4	21	4	22	2	13	1	2	
12-13 years			1		8	1	18	1	28	3	24	2	13		11		1	
13-14 years			1		4		16	1	16	3	11	2	7		5	1	1	
14-15 years			1	1	4		12		18	2	14	1	5	1	6		1	
15-16 years			1		5		10	1	18	2	7		3		6			
16 years and over			2		3	1	7	4	13	7	11		10	1	5			
Not Reported	1				1		8		16	1	8		9	2	6	1	2	
Total Absent by Month	**19**	**2**	**39**	**2**	**116**	**9**	**271**	**27**	**357**	**58**	**254**	**22**	**182**	**19**	**118**	**17**	**23**	

TABLE VII-F—TOTAL COLORED

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF OTHER WORK

Age and Sex	Children Reporting Absent on Account of Other Work																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	9	1	12	2	27	4	33	5	23	6	26	7	27	6	26	6	9	1
7- 8 years	12	2	8	6	28	10	38	16	49	12	58	7	58	------	48	7	8	2
8- 9 years	18	------	7	6	32	6	41	15	53	6	54	4	58	------	51	7	11	------
9-10 years	4	2	8	3	23	1	45	8	59	7	52	9	48	6	39	9	5	1
10-11 years	8	------	9	1	25	4	44	6	63	3	61	6	61	4	42	2	6	------
11-12 years	5	1	5	2	23	------	33	9	56	5	57	5	44	6	44	4	9	1
12-13 years	4	------	5	2	24	2	31	5	75	7	64	2	57	3	40	3	7	------
13-14 years	8	------	9	6	31	4	45	5	71	7	64	4	51	9	34	4	10	1
14-15 years	6	1	6	2	21	2	31	4	53	10	59	7	44	7	28	10	4	1
15-16 years	5	------	3	5	14	3	27	8	48	12	43	5	38	3	24	6	7	1
16 years and over	6	------	3	5	15	4	19	11	42	9	45	11	41	2	24	2	9	------
Not Reported	2	------	1	1	8	1	8	6	19	1	19	1	14	------	9	3	2	------
Total Absent by Month	**87**	**7**	**78**	**30**	**270**	**42**	**419**	**95**	**613**	**86**	**631**	**66**	**541**	**63**	**419**	**66**	**87**	**8**
BOYS																		
Under 7 years	3	1	3	1	8	2	11	2	12	3	8	2	9	4	8	4	3	1
7- 8 years	6	2	6	5	11	7	18	8	26	5	34	4	33	3	24	4	4	1
8- 9 years	11	------	3	4	16	3	21	8	27	2	29	2	21	1	25	5	6	1
9-10 years	1	1	2	------	13	------	21	6	25	4	18	4	25	2	17	5	1	------
10-11 years	2	------	3	1	12	------	14	4	27	3	22	5	16	3	12	2	2	------

11-12 years	2	1	-----	2	9	-----	12	6	25	2	29	3	17	3	13	2	3	-----
12-13 years	1	-----	-----	-----	8	1	18	4	38	2	33	2	24	1	10	-----	4	1
13-14 years	5	-----	2	2	14	1	19	3	30	2	26	1	20	2	11	2	2	1
14-15 years	1	1	3	2	6	2	6	5	24	8	24	7	14	10	4	8	1	1
15-16 years	3	-----	2	1	7	2	9	3	20	4	20	1	12	3	6	3	2	-----
16 years and over	2	-----	-----	1	2	2	7	4	12	6	15	4	7	5	6	2	-----	-----
Not Reported	-----	-----	-----	-----	3	-----	2	-----	4	-----	6	-----	4	-----	3	-----	-----	-----
Total Absent by Month	**37**	**6**	**24**	**19**	**109**	**20**	**158**	**53**	**270**	**43**	**264**	**35**	**202**	**37**	**149**	**37**	**27**	**6**
GIRLS																		
Under 7 years	6	-----	9	19	19	2	22	3	11	3	18	5	18	2	18	2	6	1
7- 8 years	6	-----	2	-----	17	3	20	8	23	5	23	3	25	2	24	3	4	-----
8- 9 years	7	-----	4	2	15	3	20	7	26	4	35	2	37	3	26	2	5	-----
9-10 years	3	-----	6	1	10	1	24	2	34	2	34	5	23	4	22	4	4	-----
10-11 years	6	-----	6	3	13	4	30	2	36	2	39	1	45	1	30	1	6	-----
11-12 years	3	-----	5	1	14	-----	21	4	31	2	28	2	27	3	31	2	3	-----
12-13 years	3	1	5	1	16	1	13	-----	37	4	41	2	33	1	30	3	8	1
13-14 years	3	-----	7	1	17	3	26	2	41	2	38	1	31	2	33	2	3	-----
14-15 years	5	-----	3	-----	15	1	25	3	31	4	35	1	30	1	24	2	6	-----
15-16 years	2	-----	1	-----	7	-----	18	6	26	6	23	7	26	4	18	8	9	-----
16 years and over	4	-----	3	2	13	3	16	5	30	8	40	2	34	1	18	1	2	-----
Not Reported	2	-----	3	-----	5	1	6	-----	15	1	13	-----	10	2	6	-----	-----	-----
Total Absent by Month	**50**	**1**	**54**	**11**	**161**	**22**	**241**	**42**	**343**	**43**	**367**	**31**	**339**	**26**	**270**	**29**	**60**	**2**

TABLE VII-G—TOTAL COLORED

AGE, SEX AND NUMBER OF DAYS ABSENT BY MONTH FROM SCHOOL BECAUSE OF WEATHER

Age and Sex	Children Reporting Absent on Account of Weather																	
	September		October		November		December		January		February		March		April		May	
	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20	1-10	10-20
TOTAL CHILDREN																		
Under 7 years	11	-----	10	-----	10	1	14	1	49	-----	86	2	45	2	22	2	3	-----
7- 8 years	12	1	3	2	11	-----	32	-----	52	3	112	1	60	-----	33	-----	7	-----
8- 9 years	10	-----	1	1	15	-----	31	1	61	4	115	3	58	3	37	1	6	-----
9-10 years	6	-----	-----	-----	11	-----	24	-----	45	-----	96	1	52	-----	19	-----	2	-----
10-11 years	2	-----	1	-----	8	-----	29	-----	61	-----	102	1	52	-----	30	-----	2	-----
11-12 years	2	-----	-----	-----	4	-----	23	1	29	-----	80	-----	41	1	18	-----	1	-----
12-13 years	3	-----	-----	-----	7	-----	21	-----	31	-----	82	-----	43	-----	10	-----	1	-----
13-14 years	3	-----	-----	-----	7	-----	12	-----	35	-----	63	1	34	-----	14	-----	2	-----
14-15 years	1	-----	-----	-----	3	-----	13	-----	24	-----	51	-----	22	-----	12	-----	3	-----
15-16 years	-----	-----	-----	-----	5	-----	11	-----	23	-----	34	1	16	-----	5	-----	-----	-----
16 years and over	1	-----	-----	-----	3	-----	12	-----	24	1	45	-----	26	-----	7	-----	-----	-----
Not Reported	2	-----	2	-----	7	-----	15	1	16	-----	31	1	10	-----	5	-----	2	-----
Total Absent by Month	**51**	**1**	**17**	**3**	**94**	**1**	**238**	**4**	**445**	**8**	**807**	**11**	**459**	**6**	**214**	**3**	**30**	-----
BOYS																		
Under 7 years	8	-----	7	-----	3	1	2	1	18	2	35	1	17	1	9	1	1	-----
7- 8 years	6	-----	-----	-----	8	-----	14	-----	31	2	59	-----	31	-----	20	-----	4	-----
8- 9 years	4	-----	-----	-----	9	-----	16	-----	31	-----	51	1	30	2	20	-----	1	-----
9-10 years	1	-----	-----	-----	5	-----	12	-----	15	-----	43	-----	20	-----	7	-----	-----	-----
10-11 years	-----	-----	-----	-----	3	-----	12	-----	24	-----	37	-----	17	-----	13	-----	1	-----

11-12 years	1				2		9		13		34		17		4					
12-13 years					1		11		12		39		17		5		1			
13-14 years	1				4		6		16		29		14		4		1			
14-15 years							3		9		17		7				1			
15-16 years					2		1		8		14		6		1					
16 years and over	1				2		4		15		13		6							
Not Reported					1		2		6		8		4		1					
Total Absent by Month	**22**		**7**		**39**	**1**	**92**	**1**	**188**	**4**	**379**	**2**	**186**	**3**	**89**	**1**	**10**			
GIRLS																				
Under 7 years	6		3		8		12		31		51		28	1	13	1	1			
7- 8 years	5		3		7		18		21	1	53	1	29		13		6			
8- 9 years	7		1		6		15		30	2	64	1	28	1	17	1	4			
9-10 years	2				6		14	1	30		53	3	32		12		2			
10-11 years	3		1		5		17	1	37		65	1	35		17					
11-12 years	1				3		12		16		46		24		14		2			
12-13 years	3				5		10	1	19		33		26	1	5		1			
13-14 years	2				3		11		19		34	1	20		9		2			
14-15 years					4		11		15		34		15		8					
15-16 years					1		6		13	1	31	1	10		5					
16 years and over					6		8		16		32		20		6					
Not Reported	2		2		1		13		10		23	1	6		5		2			
Total Absent by Month	**29**		**10**		**55**		**146**	**3**	**257**	**4**	**428**	**9**	**273**	**3**	**125**	**2**	**20**			

LAWS RELATING TO

PUBLIC WELFARE WORK

IN

NORTH CAROLINA

SPECIAL BULLETIN NUMBER 12

ISSUED BY THE

North Carolina State Board of Charities and Public Welfare

MRS. W. T. BOST, *Commissioner*

RALEIGH, N. C.

1932

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no.12

LAWS RELATING TO PUBLIC WELFARE WORK IN NORTH CAROLINA

OWEN G. DUNN, PRINTER, NEW BERN, N. C.

FOREWORD

The material included in this revision of the compilation of Laws Relating to Public Welfare Work in North Carolina is presented under the main headings indicated on the cover. A separate table of contents is included under the heading "Children's Laws and Agencies" in order to make the various provisions of this section more accessible. It is hoped that the plan followed will be of value to those who find such a bulletin useful.

ROY EUGENE BROWN,
Director of Institutions, and
Assistant to the Commissioner.

CONSTITUTIONAL MANDATE

(Constitution of North Carolina, Art. 11, Sec. 7.)

Beneficent provision for the poor, the unfortunate, and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

NORTH CAROLINA LAWS

RELATING TO

PUBLIC WELFARE WORK

STATE BOARD OF CHARITIES AND PUBLIC WELFARE

C. S. 5004. **Election and term of office.** There shall be elected by the General Assembly, upon the recommendation of the Governor, seven persons who shall be styled "The State Board of Charities and Public Welfare," and at least one of such persons shall be a woman. At the session of the General Assembly for the year one thousand nine hundred and seventeen all the members of such board shall be elected, three for a term of two years, two for a term of four years, and two for a term of six years; and thereafter the term shall be six years for all. The election shall be by concurrent vote of the General Assembly, and appointments to fill vacancies in the board arising from any cause whatsoever, except expiration of term, shall be made for the residue of such term by the Governor. The members of the board shall serve without pay, except that they shall receive their necessary expenses.

C. S. 5005. **Meetings of board.** The board shall hold meetings at least quarterly, and whenever called in session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it deems proper.

C. S. 5006. **Powers and duties of board.** The board shall have the following powers and duties, to wit:

1. To investigate and supervise, through and by its own members or its agents or employees, the whole system of the charitable and penal institutions of the State, and to recommend such changes and additional provisions as it may deem needful for their economical and efficient administration.

2. To study the subjects of nonemployment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects and their causes, treatment, and prevention, and the prevention of any hurtful social condition.

3. To study and promote the welfare of the dependent and delinquent child and to provide, either directly or through a bureau of the board, for the placing and supervision of dependent, delinquent, and defective children.

4. To inspect and make report on private orphanages, institutions, maternity homes, and persons or organizations receiving and placing children, and to require such institutions to submit such annual reports and information as the State board may determine, provided, that the term "maternity homes" used hereinbefore in this sub-section shall be construed to include institutions or homes maintained not only for the purpose of receiving pregnant women for care previous to, during and following delivery, but institutions or lying-in homes wherein pregnant women are received for care previous to and following delivery, the said delivery taking place in a hospital to which this statute does not apply.

(As amended by Chapter 90, Public Laws 1925 and Chapter 175, Public Laws 1931.)

5. To grant license for one year to such persons or agencies to carry on such work as it believes is needed and is for the public good, and is conducted by reputable persons or organizations, and to revoke such license when in its opinion the public welfare or the good of the children therein is not being properly subserved: *Provided*, subsection five shall not apply to any orphanage chartered by the laws of the State of North Carolina, owned by a religious denomination or a fraternal order, and having a plant and assets not less than sixty thousand ($60,000) nor shall it apply to orphanages operated by fraternal orders, under charters of other States which have complied with the corporation laws of North Carolina and have that amount of property. (As amended by Chapter 90, Public Laws 1925.)

See C. S. 5067 *under "Institutions for Children," page* 51.
See also Section 6, *Chapter* 226, *page* 59.

6. To issue bulletins and have same printed to such amount and extent as may be approved by the State Printing Commission, and in other ways to inform the public as to social conditions and proper treatment and remedies for social evils.

7. To issue subpoenas and compel attendance of witnesses, administer oaths, and to send for persons and papers whenever it deems it necessary in making the investigations provided for herein or in the other discharge of its duties, and to give such publicity to its investigations and findings as it may deem best for the public welfare.

8. To employ a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare, and to employ such other inspectors, officers, and agents as it may deem needful in the discharge of its duties.

9. To recommend to the Legislature social legislation and the creation of necessary institutions.

10. To encourage employment by counties of the county superintendent of public welfare and to cooperate with the county superintendent of public welfare in every way possible.

11. To attend, either through its members or agents, social service conventions and similar conventions, and to assist in promoting all helpful publicity tending to improve social conditions of the State, and to pay out of funds appropriated to the State board expenses, salaries of employees, and all other expenses incurred in carrying out the duties and powers hereinbefore set out.

12. To receive, hold and administer for the purposes for which it is organized, any funds donated to it, either by will or deed, and to administer said funds in accordance with the instructions in the will or deed creating them. (Chapter 65, Public Laws 1927.)

C. S. 5007. **Investigate and report on mental and physical infirmities.** The board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy, and the deformity and infirmity of the physical organization. They shall, besides their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State. The State board shall keep and report statistics of the matters hereinbefore referred

to, and shall compile these reports and analyze them with a view of determining and removing the cause in order to prevent crime and distress.

C. S. 5008. **Inspection of county prisons; reports required.** The State board shall have power to inspect county jails, county homes, and all prisons and prison camps and other institutions of a penal or charitable nature, and to require reports from sheriffs of counties and superintendents of public welfare and other county officers in regard to the conditions of jails or almhouses, or in regard to the number, sex, age, physical and mental condition, criminal record, occupation, nationality and race of inmates, or such other information as may be required by the State board. The plans and specifications of all new jails and almshouses shall, before the beginning of the construction thereof, be submitted for approval to the State board.

C. S. 5009. **Biennial reports to General Assembly.** The State board shall biennially prepare and submit to the General Assembly a complete and full report of its doings during the preceding two years, showing the actual conditions of all the State institutions under its supervision, with such suggestions as it may deem necessary and pertinent, which shall be printed by the State printer, and shall report such other matters as it may think for the benefit of the people of the State.

C. S. 5010. **Attention secured for insane and other unfortunates.** Whenever the board shall have reason to believe that any insane person, not incurable, is deprived of proper medical treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of the board to cause such insane person to be conveyed to the proper State hospital for the insane, there to receive the best medical attention. So, also, it shall be their care that all the unfortunates shall receive benefit from the charities of the State.

C. S. 5011. **Public institutions to furnish information.** The board may require the superintendents or other officers of the several charitable and penal institutions of the State to report to them any matter relating to the inmates of such institutions, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics upon demand.

C. S. 5012. **Relatives ineligible to appointment in State institutions.** No person shall be appointed to any place or position in any of the State institutions under the supervision of the State board who is related by blood or marriage to any member of the State board or to any of the principal officers, superintendents, or wardens of State institutions.

C. S. 5013. **Failure of officers to furnish information.** If the board of commissioners of any county or the justices of the peace of any township, or any officer or employee of any charitable or penal institution of the State shall fail, refuse, or neglect to furnish any information required by law to be furnished to the State Board of Charities and Public Welfare, when they have been provided with the necessary blank forms for such reports, or shall fail upon request to afford proper facilities for the examination of any charitable or penal institution of the State, they shall be guilty of a misdemeanor.

COUNTY BOARDS OF CHARITIES AND PUBLIC WELFARE

C. S. 5014. **County board of charities, etc.; appointment; duty.** The State board shall appoint in each county three persons, to be known as the county board of charities and public welfare, whose duty shall be to advise with and assist the State board in the work in the county, to make such visitations and reports as the State board may request, and to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of the poor funds, and social conditions generally. The members of the county board of charities and public welfare shall serve without pay. The State board shall have power and right at any time to remove any member of the county board.

C. S. 5015. **Term of office and meetings of board.** The county board of charities and public welfare shall be appointed one for one year, one for two years, and one for three years, and subsequent appointments shall be for a term of three years. The persons so appointed shall meet immediately after their appointment and organize by electing a chairman, and the county superintendent of public welfare shall act as secretary. The county board shall meet at least once a month with the county superintendent of public welfare, and advise with him in regard to problems pertaining to his office.

See Biennial Report of Attorney General—1923-1924—*Pages* 253, 254.

COUNTY SUPERINTENDENT OF PUBLIC WELFARE

C. S. 5016. **Election.** On the first Monday in June, 1929 and on the first Monday in June thereafter, the county board of education and the board of county commissioners of every county in North Carolina shall meet in joint session for the purpose of electing a county superintendent of public welfare, who shall serve for the ensuing two years and until his successor is elected and qualified. The county superintendent of public instruction shall serve as secretary of the joint meeting, make permanent record of the proceedings, and issue all notices and reports necessary, previous and subsequent to the meeting. The person elected county superintendent of public welfare shall be qualified by character, fitness, and experience to well discharge the duties thereof. The person so elected superintendent of public welfare shall begin his work on the first Monday in July; but no one so elected shall begin the work of this position until he shall have received a certificate of approval of his fitness from the State Board of Charities and Public Welfare; and in case such approval is not received, the two boards shall, upon receiving notice thereof, proceed immediately in like manner to elect another person. In case of a tie vote, the matter may be referred for decision to the State Commissioner of Public Welfare. A joint session of the two boards may be held at any time on the call of the chairman of either board for the purpose of discussing the work relating to the office; and a superintendent may be dismissed by joint action for proven unfitness or failure in the performance of duty and his successor elected. It is the purpose of this section that the board of education and the board of county commissioners shall act in a spirit of mutual cooperation for the purpose of obtaining the best possible results in carrying out the intention of this law. The joint meeting shall fix the salary of the county superintendent of public welfare, which sum shall be sufficient to secure the services of a well qualified person and one-half of which shall be paid from the funds of each board, and a reasonable expense fund shall be provided by each board for carrying on the work, which sum shall be separate from that allowed as salary for the county superintendent. In counties having a population of less than thirty-two thousand (32,000) by the census of nineteen hundred and twenty, and in counties where, on January first, nineteen hundred and twenty-one, the superintendent of education was performing the functions of county superintendent of public welfare, the board of county commissioners shall have the option of taking part or of not taking part in the election of a county superintendent of public welfare, as provided above. In any county of less than thirty-two thousand (32,000) population, where the county commissioners do not desire to so participate, the county superintendent of public instruction shall become *ex officio* county superintendent of public welfare. Whenever by such action a county superintendent of public instruction becomes *ex officio* county superintendent of public welfare, he shall receive no salary in addition to that received as county superintendent of schools, but the board of education, by and with the approval of the board of commissioners, shall furnish him such clerical or other assistance as it deems necessary to have the compulsory school attendance law fully enforced in accordance with the rules and policy laid down by the State Board of Education, and the board of county commissioners shall furnish a reasonable expense fund for carrying out the other duties attached by law to the office of county superintendent of public welfare. All such duties shall be as binding upon the county superintendent of public welfare as they would be in case he were not county superintendent

of schools. Every county superintendent of public welfare shall make such reports of his work to the county board of education and the board of commissioners as said boards may require. (As amended by Chapter 128, Public Laws 1921, and Chapter 291, Public Laws 1929.)

See Biennial Report of Attorney General—1921-1922—*Pages* 184-188.

See Biennial Report of Attorney General—1923-1924—*Pages* 236, 237, 240, 256.

PUBLIC LAWS 1931. *Chapter* 430. PARAGRAPH SIX OF SECTION 6. The State budget shall then be determined by the State Board of Equalization for each county and special charter district by ascertaining the sum of the following objects of expenditure according to and within the limits fixed by this act, and within the meaning of the rules and regulations promulgated by the State Board of Equalization.

(1.) *The Object of General Control.*

f. Public Welfare as now provided in law, and as set forth in this act.

SECTION 14. . . . *Provided further*, that a county superintendent may serve as welfare officer and have such additional compensation as may be agreed upon by the board of education and the county commissioners of said county, subject to the approval of the State Board of Equalization: *Provided* that said superintendent shall be reimbursed for the actual necessary travelling expenses incurred in the discharge of his duty as welfare officer, as the board of county commissioners may determine, not to exceed, however six (6) cents per mile.

NOTE: The State Board of Equalization adopted the following schedule on August 12, 1931:

"It is determined that the following shall constitute a schedule of the maximum amount to be included in the school budget for those counties in which a full time welfare officer is made mandatory: counties with a population of 32,000 to 42,000, $800 for salary plus $150 for travel expense; counties with a population of 42,000 to 52,000, $900 for salary plus $200 for travel expense; counties with population of 52,000 to 62,000, $1,000 for salary plus $200 for travel expense; counties with a population of 62,000 and over, $1,200 for salary plus $200 for travel expense.

"It is understood that the amounts above stated are to be included in the State budget only upon certification from the State Commissioner of Welfare showing that the county has provided a like amount; and the travel allowance is to be conditioned upon the actual expenditure of the amount so allowed for this purpose."

"It is determined that the following shall constitute a schedule of the maximum amount to be included in the school budget for those counties in which a welfare officer is employed; counties with a population of less than 12,000, $400 for salary plus $100 for travel expense; counties with a population of 12,000 to 22,000, $500 for salary plus $100 for travel expense; counties with a population of 22,000 to 32,000, $600 for salary plus $100 for travel expense; counties with a population of 32,000 and above, a schedule as provided for those counties in which a welfare officer is made mandatory. In all counties where the county superintendent of public instruction acts as welfare officer, an amount of $100 for salary plus $100 for travel expense will be included in the State budget.

"It is understood that the amounts above stated are to be included in the State budget only upon certification from the State Commissioner of Public Welfare showing that the county has provided an equivalent

amount; and the travel allowance is to be conditioned upon the actual expenditure of the amount so allowed for this purpose."

C. S. 5017. **Powers and duties of county superintendent.** The county superintendent of public welfare shall be chief school attendance officer of the county, and shall have other duties and powers as follows:

1. To have, under control of the county commissioners, the care and supervision of the poor, and to administer the poor funds.

2. To act as agent of the State board in relation to any work to be done by the State board within the county.

3. Under the direction of the State board, to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.

4. To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.

5. To have oversight of dependent and delinquent children, and especially those on parole or probation.

6. To have oversight of all prisoners in the county on probation.

7. To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.

8. Under the direction of the State board, to have oversight over dependent children placed in the county by the State board.

9. To assist the State board in finding employment for the unemployed.

10. To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.

JOINT CITY AND COUNTY PLAN

C. S. 5018. **Joint city and county welfare work.** In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county board of charities and public welfare as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are authorized to make such provision for the expense of carrying on the work as they may deem advisable, and may delegate to the county board of public welfare all necessary power.

See Biennial Report of Attorney General—1923-1924—*Pages* 252, 253.

PUBLIC-LOCAL LAWS 1931, CHAPTER 349. **To Enable the County of Forsyth and the City of Winston-Salem to Consolidate their Public Welfare Activities.**

SECTION 1. That a joint board may be created in Forsyth County representing the Board of Commissioners, the County Board of Education, the County Board of Public Welfare and the Board of Aldermen of the City of Winston-Salem, for the purpose of coordinating the Public Welfare activities of Forsyth County and City of Winston-Salem.

SEC. 2. That the said board may, in its discretion, appoint a Director of Public Welfare, fix the salary and outline the duties of said Director; *Provided, however*, that this act shall conform to the present State law governing approval of appointment of such Director of Public Welfare by the State Board of Charities and Public Welfare.

SEC. 3. Such Director of Public Welfare of Forsyth County shall have, under the direction of the above named board, authority to supervise, co-ordinate and direct all public welfare activities of Forsyth County and the City of Winston-Salem and shall have such other duties and powers as may be determined by the said Board.

CHILDREN'S LAWS AND AGENCIES

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ABANDONMENT

C. S. 4447. **Abandonment of family by husband.** If any husband shall wilfully abandon his wife without providing adequate support for such wife, and the children which he may have begotten upon her, he shall be guilty of a misdemeanor; Provided, that the abandonment of children by the father shall constitute a continuing offense and shall not be barred by any statute of limitations until the youngest child shall arrive at the age of eighteen years.

C. S. 4448. **Evidence that abandonment was wilful.** If the fact of abandonment of and failure to provide adequate support for the wife and children shall be proved, or while being with such wife, neglect by the husband to provide for the adequate support of such wife or children shall be proved, then the fact that such husband neglects applying himself to some honest calling for the support of himself and family, and is found sauntering about, endeavoring to maintain himself by gaming or other undue means, or is a common frequenter of drinking houses, or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is wilful.

C. S. 4449. **Order of support from husband's property or earnings.** Upon any conviction for abandonment, any judge or any recorder having jurisdiction thereof may, in his discretion, make such order as in his judgment will best provide for the support, as far as may be necessary, of the deserted wife or children, or both, from the property or labor of the defendant.

C. S. 4450. **Failure of husband to provide adequate support of family.** If any husband while living with his wife, shall wilfully neglect to provide adequate support for such wife or children which he has begotten

upon her, he shall be guilty of a misdemeanor. Upon conviction of any husband as herein provided, the court having jurisdiction thereof may in his discretion make such order as in his judgment will best provide for the support of such wife or children, and may commit the said husband to the common jail of the county, to be hired out by the county commissioners for such length of time as the court may deem proper, which said wage or salary shall be paid to the said wife or children, to be used toward their support.

See Biennial Report of Attorney General—1924-1926—*Page* 283.

C. S. 4450 (a). **Abandonment of child by mother; penalty.** If any mother shall wilfully abandon her child or children, whether legitimate or illegitimate, and under sixteen years of age, she shall be guilty of a misdemeanor. (Chapter 57, Public Laws 1931.)

ABORTION

C. S. 4226. **Using drugs or instruments, to destroy unborn child.** If any person shall wilfully administer to any woman, either pregnant or quick with child, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug or other substance whatever, or shall use or employ any instrument or other means with intent thereby to destroy such child, unless the same shall be necessary to preserve the life of the mother, he shall be guilty of a felony, and shall be imprisoned in the State's prison for not less than one year nor more than ten years, and be fined at the discretion of the court.

C. S. 4227. **Using drugs or instruments to produce miscarriage or injure pregnant woman.** If any person shall administer to any pregnant woman, or prescribe for any such woman, or advise and procure such woman to take any medicine, drug, or anything whatsoever, with intent thereby to procure the miscarriage of such woman, or to injure or destroy such woman, or shall use any instrument or application for any of the above purposes, he shall be guilty of a felony, and shall be imprisoned in the jail or State's prison for not less than one year nor more than five years and shall be fined, at the discretion of the court.

C. S. 4228. **Concealing birth of child.** If any person shall, by secretly burying or otherwise disposing of the dead body of a new-born child, endeavor to conceal the birth of such child, such person shall be guilty of a felony, and punished by fine or imprisonment, or both, such imprisonment to be in the county jail or State's prison, at the discretion of the court: *Provided*, that the imprisonment in the State's prison shall in no case exceed a term of ten years: *Provided further*, that nothing in this section shall be construed to prevent the mother, who may be guilty of the homicide of her child, from being prosecuted and punished for the same according to the principles of the common law. Any person aiding, counseling or abetting any woman in concealing the birth of her child shall be guilty of a misdemeanor.

ADOPTION AND GUARDIANSHIP

ADOPTION OF MINORS

C. S. 182. **Petition for adoption; contents.** Any person desiring to adopt any minor child may file a petition in the Superior Court of the county wherein such child resides, setting forth the name and age of such

child and the name of its parents, whether the parents or either of them are living, and if there is no living parent, the name of the guardian, if any, and if there is no guardian, the name of the person having charge of the child or with whom such child resides, the amount and nature of the child's estate, if any, and especially if the adoption is for the minority or for the life of the child.

C. S. 183. **Parties to proceedings.** The parent or guardian, or the person having charge of such child, or with whom it may reside, must be a party of record in this proceeding.

C. S. 184. **Order and letters of adoption.** Upon the filing of such petition, and with the consent of the parent or parents, if living, or of the guardian, if any, or of the person with whom such child resides, or who may have charge of such child, the court may, if the petitioner is a proper and suitable person, sanction and allow such adoption by an order granting letters of adoption.

C. S. 185. **Effect of order; child's right of succession.** Such order, when made, shall have the effect forthwith to establish the relation of parent and child between the petitioner and the child during minority or for life of such child, according to the prayer of the petition, with all the duties, powers and rights belonging to the relationship of parent and child, and in case the adoption be for the life of the child, and the petitioner die intestate, such order shall have the further effect to enable such child to inherit the real estate and entitle it to the personal estate of the petitioner in the same manner and to the same extent such child would have been entitled to if such child had been the actual child of the person adopting it. The child shall not inherit and be entitled to the personal estate, if the petitioner especially sets forth in his petition such to be his desire and intention. Any proceeding conducted under this section to which the adopting parent shall be a party shall be binding upon party, regardless of lack of jurisdiction as to other persons or any irregularities in the proceeding. (As amended by Section 1, Chapter 171, Public Laws 1927.)

C. S. 186. **Change of child's name.** For proper cause shown in the petition the court may decree that the name of the child shall be changed to that of the petitioner.

C. S. 187. **Bond to secure orphan's property.** If the child is an orphan and without guardian, and possesses any estate, the court shall require from the petitioner such bond as is required by law to be given by guardians.

C. S. 188. **Record of order; revocation.** The order granting letters of adoption shall be recorded in the office of the clerk of the Superior Court of the county in which it is made, and may be revoked at any time by the court for good cause shown.

C. S. 189. **Abandonment by parent; custody forfeited.** In all cases where the parent or parents of any child has wilfully abandoned the care, custody, nurture and maintenance of the child to kindred, relatives or other persons, such parent or parents shall be deemed to have forfeited all rights and privileges with respect to care, custody and services to such child, and upon a finding of such fact by the court, shall not be necessary parties to any action or proceeding under this chapter; provided, this sec-

tion shall not prevent the parent from instituting a proceeding under the next section of this chapter. (As amended by Section 1, Chapter 171, Public Laws 1927.)

SECTION 3, CHAPTER 171, PUBLIC LAWS OF 1927.—All proceedings for the adoption of minors, in courts of this State, are hereby validated and confirmed and the orders and judgments therein are declared to be binding upon all parties to said proceedings and their privies and upon all other persons, until the orders or judgments shall be vacated as provided by law. Nothing herein contained shall be construed to prevent any interested person who was not a party to the proceeding from moving to set aside any such order or judgment within one year from notice thereof, as provided by law; *Provided further*, nothing herein contained shall prevent any parent from an application for restoration of his or her rights as provided in section one hundred ninety of the Consolidated Statutes.

SEC. 3(a). This act shall not affect any pending litigation or any vested rights.

C. S. 190. **Restoration of parent's rights.** The rights and privileges of such parent may be restored by the voluntary surrender of such child by the person in whose care and custody such child may be, or by order of any judge of the Superior Court in the district in which such child may be when it appears to the satisfaction of such judge that the interest and welfare of such child will not be materially prejudiced by such restoration. The person having the care and custody of any such child shall have at least ten days notice of the time and place of the hearing of the application for such order of restoration, and shall be permitted to resist the same.

C. S. 191. **Procuring possession of child unlawfully.** Any parent whose rights and privileges have been forfeited as provided by the second preceding section, who shall procure the possession and custody of such child, with respect to whom his rights and privileges are forfeited, otherwise than as by law provided, shall be guilty of a crime and shall be punished as for abduction.

GUARDIAN AND WARD

Jurisdiction in Matter of Guardianship

C. S. 2150. **Jurisdiction in clerk of Superior Court.** The clerks of the Superior Court within their respective counties have full power, from time to time, to take cognizance of all matters concerning orphans and their estates, and to appoint guardians in all cases of infants, idiots, lunatics, inebriates, and inmates of the Caswell Training School.

Creation and Termination of Guardianship

C. S. 2151. **Appointment by parents; effect; powers and duties of guardian.** Any father, though he be a minor, may, by deed executed in his lifetime and with the written consent and privy examination of the mother, if she be living, or by his last will and testament in writing, if the mother be dead, dispose of the custody and tuition of any of his infant children, being unmarried, and whether born at his death or in *ventre sa mere*, for such time as the children may remain under twenty-one years of age, or for any less time. Or in case the father is dead and has not exercised his said right of appointment, or has wilfully abandoned his wife,

then the mother, whether of full age or minor, may do so. Every such appointment shall be good and effectual against any person claiming the custody and tuition of such child or children. Every guardian by deed or will shall have the same powers and rights and be subject to the same liabilities and regulations as other guardians.

C. S. 2152. **Natural guardianship on death of father.** In case of the death of the father of an infant, the mother of such child surviving such father shall immediately become the natural guardian of such child to the same extent and in the same manner, plight and condition as the father would be if living; and the mother in such case shall have all the powers, rights and privileges, and be subject to all the duties and obligations of a natural guardian. But this shall not be construed as abridging the powers of the courts over minors and their estates and to the appointment of guardians.

C. S. 2153. **Appointment on divorce of parents.** When parents are divorced and a child is entitled to any estate, the court granting the divorce must certify that fact to the clerk of the Superior Court, to the end that he may appoint a fit and proper person to take the care and management of such estate, whose powers and duties shall be the same in all respects as other guardians, except that a guardian so appointed shall not have any authority over the person of such child, unless the guardian be the father or mother.

C. S. 2154. **Appointment when father living.** The clerk of the Superior Court may appoint a guardian of the estate of any minor, although the father of such minor be living. And the guardian so appointed shall be governed in all respects by the laws relative to guardians of the estate in other cases, but shall have no authority over the person of such minor.

C. S. 2155. **Separate appointment for person and estate; yearly support specified; payments allowed in accounting.** Instead of granting general guardianship to one person, the clerk of the Superior Court may commit the tuition and custody of the person to one and the charge of his estate to another, whenever and at any time during minority, inebriety, idiocy or lunacy, it appears most conducive to the proper care of the orphan's, inebriate's, idiot's, or lunatic's estate, and to his suitable maintenance, nurture and education. In such cases the clerk must order what yearly sums of money or other provisions shall be allowed for the support and education of the orphan, or for the maintenance of the idiot, lunatic or inebriate, and must prescribe the time and manner of paying the same; but such allowance may, upon application and satisfactory proof made, be reduced or enlarged, or otherwise modified, as the ward's condition in life and the kind and value of his estate may require. All payments made by the guardian of the estate to the tutor of the person, according to any such order, shall be deemed just disbursements and be allowed in the settlement of his accounts; but for the payment thereof by the one and the receipt thereof by the other merely, no commission shall be allowed to either, though commissions may be allowed to the tutor of the person on his disbursements only.

C. S. 2156. **Proceedings on application for guardianship.** On application to any clerk of the Superior Court for the custody and guardianship of any infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, it is the duty of such clerk to inform himself of the circumstances

of the case on the oath of the applicant, or of any other person, and if none of the relatives of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School are present at such application, the clerk must assign, or for any other good cause he may assign, a day for the hearing; and he shall thereupon direct notice thereof to be given to such of the relatives and to such other persons, if any, as he may deem it proper to notify. On the hearing he shall ascertain, on oath, the amount of the property, real and personal, of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, and the value of the rents and profits of the real estate, and he may grant or refuse the application, or commit the guardianship to some other person, as he may think best for the interest of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School.

C. S. 2157. **Letters of guardianship.** The clerk of the Superior Court must issue to every guardian appointed by him a letter of appointment, which shall be signed by him and sealed with the seal of his office.

C. S. 2158. **Removal by clerk.** The clerks of the Superior Court have power, on information or complaint made, at all times to remove guardians and appoint successors, to make and establish rules for the better ordering, managing and securing infants' estate, and for the better education and maintenance of wards; and it is their duty to do so in the following cases:

1. Where the guardian wastes or converts the money or estate of the ward to his own use.

2. Where the guardian in any manner mismanages the estate.

3. Where the guardian is about or intends to marry any ward in disparagement.

4. Where the guardian neglects to educate or maintain the ward in a manner suitable to his or her degree.

5. Where the guardian is legally disqualified to act as a person would be to be appointed administrator.

6. Where the guardian or his sureties are likely to become insolvent or nonresidents of the State.

C. S. 2159. **Interlocutory orders on revocation.** In all cases where the letters of a guardian are revoked, the clerk of the Superior Court may, from time to time, pending any controversy in respect to such removal, make such interlocutory orders and decrees as will tend to the better securing the estate of the ward, or other party seeking relief by such revocation.

C. S. 2160. **Resignation; effect; accounting on resignation.** Any guardian wishing to resign his trust may apply in writing to the Superior Court, setting forth the circumstances of his case. If, at the time of making the application, he also exhibits his final account for settlement, and if the clerk of the Superior Court is satisfied that the guardian has been faithful and has truly accounted, and if a competent person can be procured to succeed in the guardianship, the clerk of the Superior Court may accept the resignation of the guardian and discharge him from the trust. But the guardian so discharged and his sureties are still liable in relation to all matters connected with the trust before the resignation.

Guardian's Bond

C. S. 2161. **Bond to be given before receiving property.** No guardian appointed for an infant, idiot, lunatic, insane person or inebriate, shall be permitted to receive property of the infant, lunatic, idiot, insane person or inebriate until he shall have given sufficient security, approved by a judge, or the court, to account for and apply the same under the direction of the court.

C. S. 2162. **Terms and conditions of bond; increased on sale of realty.** Every guardian of the estate, before letters of appointment are issued to him, must give a bond payable to the State, with two or more sufficient sureties, to be acknowledged before and approved by the clerk of the Superior Court, and to be jointly and severally bound. The penalty in such bond must be double, at least, the value of all personal property and the rents and profits issuing from the real estate of the infant, which value is to be ascertained by the clerk of the Superior Court by the examination, on oath, of the applicant for guardianship, or of any other person. The bond must be conditioned that such guardian shall faithfully execute the trust reposed in him as such, and obey all lawful orders of the clerk or judge touching the guardianship of the estate committed to him. If, on application by the guardian, the court or judge shall decree a sale for any of the causes prescribed by law of the property of such infant, idiot, lunatic, or insane person, before such sale be confirmed, the guardian shall be required to file a bond as now required in double the amount of the real property so sold.

C. S. 2163. **To be recorded in clerk's office; action on bond.** The bond so taken shall be recorded in the office of the clerk of the Superior Court appointing the guardian; and any person injured by a breach of the condition thereof may prosecute a suit thereon, as in other actions.

C. S. 2164. **Where several wards with estate in common, one bond sufficient.** When the same person is appointed guardian to two or more minors, idiots, lunatics or insane persons possessed of one estate in common, the clerk of the Superior Court may take one bond only in such case, upon which each of the minors or persons for whose benefit the bond is given, or their heirs or personal representatives, may have a separate action.

C. S. 2165. **Renewal of bond every three years; enforcing renewal.** Every guardian shall renew his bond before the clerk of the Superior Court every three years, during the continuance of the guardianship. The clerk of the Superior Court shall issue a citation against every guardian failing to renew his bond, requiring such guardian to renew his bond within twenty days after service of the citation; and on return of the citation duly served and failure of the guardian to comply therewith, the clerk shall remove him and appoint a successor.

C. S. 2166. **Relief of endangered sureties.** Any surety of a guardian, who is in danger of sustaining loss by his suretyship, may file his complaint before the clerk of the Superior Court where the guardianship was granted, setting forth the circumstances of his case and demanding relief; and thereupon the guardian shall be required to answer the complaint within twenty days after service of the summons. If, upon the hearing, the clerk of the Superior Court deem the surety entitled to relief, the same may be granted by compelling the guardian to give a new bond, or to in-

demnify the surety against apprehended loss, or by the removal of the guardian from his trust; and in case the guardian fail to give a new bond or security to indemnify when required to do so within reasonable time, the clerk of the Superior Court must enter a peremptory order for his removal, and his authority as guardian shall thereupon cease.

C. S. 2167. **Liability of clerk for taking insufficient bond.** If any clerk of the Superior Court shall commit the estate of an infant, idiot, lunatic, insane person or inebriate to the charge or guardianship of any person without taking good and sufficient security for the same as directed by law, such clerk shall be liable, on his official bond, at the suit of the party aggrieved, for all loss and damages sustained for want of security being taken; but if the sureties were good at the time of their being accepted, the clerk of the Superior Court shall not be liable.

C. S. 2168. **Liability of clerk for other defaults.** If any clerk of the Superior Court shall wilfully or negligently do, or omit to do, any other act prohibited, or other duty imposed on him by law, by which act or omission the estate of any ward suffers damage, he shall be liable therefor as directed in the preceding section.

Powers and Duties of Guardian

C. S. 2169. **To take charge of estate.** Every guardian shall take possession, for the use of the ward, of all his estate, and may bring all necessary actions therefor.

C. S. 2170. **To sell perishable goods on order of clerk.** Every guardian shall sell, by order of the clerk of the Superior Court, all such goods and chattels of his ward as may be liable to perish or be the worse for keeping. Every such order shall be entered in the order record of the Superior Court and must contain a descriptive list of the property to be sold, with the terms of sale.

C. S. 2171. **How sales and rentals made.** All sales and rentings by guardians shall be publicly made, between the hours of ten o'clock a. m. and four o'clock p. m., after twenty days notice, posted at the courthouse and four other public places in the county. But, upon petition by the guardian, the clerk of the Superior Court of the county in which the land of the ward is situated, or of the county wherein the guardian has qualified, may make an order, on satisfactory evidence, upon the oath of at least two disinterested freeholders acquainted with the said land, that the best interests of the said ward will be subserved by a private renting of said land, allowing the guardian to rent the land privately. The terms of all such rentings shall be reported to said clerk of the Superior Court and be approved by him. In cases where guardians have heretofore rented their ward's land at private rentings in good faith and for the benefit of the ward's estate, they shall not be liable to the penalty heretofore prescribed by law. The proceeds of all sales of personal estate and rentings of real property, except the rentings of lands leased for agricultural purposes, when not for cash, shall be secured by bond and good security.

C. S. 2172. **When lands may be leased.** The guardian may lease the lands of an infant for a term not exceeding the end of the current year in which the infant shall come of age, or die in nonage. But no guardian, without leave of the clerk of the Superior Court, shall lease any land of

his ward without impeachment of waste, or for a term of more than three years, unless at a rent not less than three percentum on the assessed taxable value of the land.

C. S. 2173. **When guardians to cultivate lands of wards.** Where any parent of a minor child qualifies as guardian of such child, and the ward owns or is entitled to the possession of any real estate used or which may be used for agricultural purposes, such guardian may make application to the clerk of the Superior Court of the county wherein the land is situate for permission to cultivate it, and the petition shall set forth the nature, extent and location of the same. It shall then be the duty of the clerk to appoint three disinterested resident freeholders, who shall go upon the land and, after being sworn to act impartially, assess the annual rental value thereof. The commissioners shall report their proceedings and findings to the clerk within ten days after the notification of their appointment, and if the clerk shall deem the same to be the interest of the ward he shall make an order allowing the guardian to cultivate the land for a term not exceeding three years at the annual rental value assessed by the commissioners to be paid to the ward by the guardian. The term, however, shall not extend beyond the minority of the minor. The commissioners shall receive as compensation for said services the same fees as are allowed commissioners in partition of real estate.

C. S. 2174. **When timber may be sold.** In case the land cannot be rented for enough to pay the taxes and other dues thereof, and there is not money sufficient for that purpose, the guardian, with the consent of the clerk of the Superior Court, may annually dispose of or use so much of the lightwood, and box or rent so many pine trees, or sell so much of the timber on the same, as may raise enough to pay the taxes and other duties thereon, and no more.

C. S. 2175. **Plate and jewelry to be kept.** All plate and jewelry shall be preserved and delivered to the ward at age, in kind, according to weight and quantity.

C. S. 2176. **Personal representative of guardian to pay over to clerk.** In all cases where a guardian of any minor child or of an idiot, lunatic, inebriate or insane person dies, it is competent for the executor or administrator of such deceased guardian, at any time after the grant of letters testamentary or of administration, to pay into the office of the clerk of the Superior Court of the county where such deceased guardian was appointed, any moneys belonging to any such minor child, idiot, lunatic, insane person or inebriate, and any such payment shall have the effect to discharge the estate of said deceased guardian and his sureties upon his guardian bond to the extent of the amount so paid.

C. S. 2177. **Collection of claims; duty and liability.** Every guardian shall diligently endeavor to collect, by all lawful means, all bonds, notes, obligations or moneys due his ward when any debtor or his sureties are likely to become insolvent, on pain of being liable for the same.

C. S. 2178. **Liability for lands sold for taxes.** If any guardian suffer his ward's lands to lapse or become forfeited or be sold for nonpayment of taxes or other dues, he shall be liable to answer for the full value thereof to his ward.

C. S. 2179. **Liability for costs.** All fees and costs of the Superior Court for issuing orders, citations, summonses or other process against guardians for their supposed defaults shall be paid by the party found in default.

Sales of Ward's Estate

C. S. 2180. **Special proceedings to sell; judge's approval required.** On application of the guardian by petition, verified upon oath, to the Superior Court, showing that the interest of the ward would be materially promoted by the sale or mortgage of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings; and the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale or mortgage be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward; but no sale or mortgage shall be made until approved by the judge of the court, nor shall the same be valid, nor any conveyance of the title made, unless confirmed and directed by the judge, and the proceeds of the sale or mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify. The guardian may not mortgage the property of his ward for a term of years exceeding the minority of the ward. The word "mortgage" wherever used herein shall be construed to include deeds in trust.

C. S. 2181. **Fund from sale has character of estate sold and subject to same trusts.** Whenever, in consequence of any sale under the preceding section, the real or personal property of the ward is saved from demands to which in the first instance it may be liable, the final decree shall declare and set apart a portion of the personal or real estate thus saved, of value equal to the real and personal estate sold, as property exchanged for that sold; and in all such cases of sale, whereby real is substituted by personal, or personal by real property, the beneficial interest in the property acquired shall be enjoyed, alienated, devised or bequeathed, and shall descend and be distributed, as by law the property sold might and would have been had it not been sold, until it be reconverted from the character thus impressed upon it by some act of the owner and restored to its character proper.

C. S. 2182. **Sale of ward's estate to make assets.** When a guardian has notice of a debt or demand against the estate of his ward, he may apply by petition, setting forth the facts, to the clerk of the Superior Court wherein the guardianship was granted, for an order to sell so much of the personal or real estate as may be sufficient to discharge such debt or demand; and the order of the court shall particularly specify what property is to be sold and the terms of sale; but no real estate shall be sold under this section, in any case, without the revision and confirmation of the order therefor by the judge of the Superior Court. The proceeds of sale under this section shall be considered as assets in the hands of the guardian for the benefit of creditors, in like manner as assets in the hands of a personal representative; and the same proceedings may be had against the guardian with respect to such assets as might be taken against an executor, administrator or collector in similar cases.

Returns and Accounting

C. S. 2183. **Return within three months.** Every guardian, within three months after his appointment, shall exhibit an account, upon oath, of the estate of his ward, to the clerk of the Superior Court; but such time

may be extended by the clerk of the Superior Court, on good cause shown, not exceeding six months.

C. S. 2184. **Procedure to compel return.** In cases of default to exhibit the return required by the preceding section, the clerk of the Superior Court must issue an order requiring the guardian to file such return forthwith, or to show cause why an attachment should not issue against him. If, after due service of the order, the guardian does not, on the return day of the order, file such return, or obtain further time to file the same, the clerk of the Superior Court shall issue an attachment against him, and commit him to the common jail of the county till he files such return.

C. S. 2185. **Additional assets to be returned.** Whenever further property of any kind, not included in any previous return, comes to the hands or knowledge of any guardian, he must cause the same to be returned within three months after the possession or discovery thereof; and the making of such return of new assets, from time to time, may be enforced in the same manner as prescribed in the preceding section.

C. S. 2186. **Annual accounts.** Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the clerk of the Superior Court an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The clerk of the Superior Court may examine on oath such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate; and having carefully revised and audited such account, if he approve the same, he must indorse his approval thereon, which shall be deemed prima facie evidence of correctness.

C. S. 2187. **Procedure to compel accounting.** If any guardian omit to account, as directed in the preceding section, or renders an insufficient and unsatisfactory account, the clerk of the Superior Court shall forthwith order such guardian to render a full and satisfactory account, as required by law, within twenty days after service of the order. Upon return of the order, duly served, if such guardian fail to appear or refuse to exhibit such account, the clerk of the Superior Court may issue an attachment against him for contempt and commit him till he exhibits such account, and may likewise remove him from office.

C. S. 2188. **Final account.** A guardian may be required to file such account at any time after six months from the ward's coming of full age or the cessation of the guardianship; but such account may be filed voluntarily at any time, and, whether the accounting be voluntary or compulsory, it shall be audited and recorded by the clerk of the Superior Court.

C. S. 2189. **Expenses and disbursements credited to guardian.** Every guardian may charge in his annual account all reasonable disbursements and expenses; and if it appear that he has really and bona fide disbursed more in one year than the profits of the ward's estate, for his education and maintenance, the guardian shall be allowed and paid for the same out of the profits of the estate in any other year; but such disbursements must, in all cases, be suitable to the degree and circumstances of the estate of the ward.

C. S. 2190. **Commissions.** The Superior Court shall allow commissions to the guardian for his time and trouble in the management of the ward's estate, in the same manner and under the same rules and restrictions as allowances are made to executors, administrators and collectors.

Public Guardians

C. S. 2191. **Appointment; term; oath.** There may be in every county a public guardian, to be appointed by the clerk of the Superior Court for a term of eight years. The public guardian shall take and subscribe an oath (or affirmation) faithfully and honestly to discharge the duties imposed upon him; the oath so taken and subscribed shall be filed in the office of the clerk of the Superior Court.

C. S. 2192. **Bond of public guardian; increasing bond.** The public guardian shall enter into bond with three or more sureties, approved by the clerk in the penal sum of six thousand dollars, payable to the State of North Carolina, conditioned faithfully to perform the duties of his office and obey all lawful orders of the Superior or other courts touching said guardianship of all wards, money or estate that may come into his hands. Whenever the aggregate value of the real and personal estate belonging to his several wards exceeds one-half the bond herein required the clerk of the Superior Court shall require him to enlarge his bond in amount so as to cover at least double the aggregate amount under his control as guardian.

C. S. 2193. **Powers, duties, liabilities, compensation.** The powers and duties of said public guardian shall be the same as other guardians, and he shall be subject to the same liabilities as other guardians under the existing laws, and shall receive the same compensation as other guardians.

C. S. 2194. **When letters issue to public guardian.** The public guardian shall apply for and obtain letters of guardianship in the following cases:

1. When a period of six months has elapsed from the discovery of any property belonging to any minor, idiot, lunatic, insane person or inebriate, without guardian.

2. When any person entitled to letters of guardianship shall request in writing the clerk of the Superior Court to issue letters to the public guardian; but it is lawful and the duty of the clerk of the Superior Court to revoke said letters of guardianship at any time after issuing the same upon application in writing by any person entitled to qualify as guardian, setting forth a sufficient cause for such revocation.

Foreign Guardians

C. S. 2195. **Right to removal of ward's personalty from State.** Where any ward, idiot, lunatic or insane person, residing in another state or territory, or in the District of Columbia, or Canada, or other foreign country, is entitled to any personal estate in this State, or personal property substituted for realty by decree of court, or to any money arising from the sale of real estate, whether the same be in the hands of any guardian residing in this State, or of any executor, administrator or other person holding for the ward, idiot, lunatic, or insane person, or if the same (not being adversely held and claimed) be not in the lawful possession or control of any person, the guardian of the ward, idiot, lunatic or insane person, duly

appointed at the place where such ward, idiot, lunatic or insane person resides, may apply to have such estate removed to the residence of the ward, idiot, lunatic or insane person by petition filed before the clerk of the Superior Court of the county in which the property or some portion thereof is situated; which shall be proceeded with as in other cases of special proceedings.

C. S. 2196. **Contents of petition; parties defendant.** The petitioner must show to the court a copy of his appointment as guardian and bond duly authenticated, and must prove to the court that the bond is sufficient, as well in the ability of the sureties as in the sum mentioned therein, to secure all the estate of the ward wherever situated. Any person may be made a party defendant to the proceeding who may be made a party defendant in civil actions under the provisions of the chapter entitled Civil Procedure.

Estates Without Guardian

C. S. 2197. **Duty of grand jury as to orphans and guardians.** The grand jury of every county is charged with and shall present to the Superior Court the names of all orphan children that have no guardian or are not bound out to some trade or employment. They shall further inquire of all abuses, mismanagement and neglect of all such guardians as are appointed by the clerk of the Superior Court. The clerk of the Superior Court shall, at each term of the Superior Court, lay before the grand jury a list of all the guardians acting in his county or appointed by him.

C. S. 2198. **Solicitor to apply for receiver for orphans' estates.** Whenever an orphan, having any estate, is presented by a grand jury, for whom no suitable person will become guardian, the clerk of the Superior Court must give notice thereof forthwith to the solicitor of the State for the judicial district, who shall apply in behalf of the orphan to the judge of the Superior Court of the county where such presentment was made, to the end that a receiver be appointed.

C. S. 2199. **Solicitor to prosecute bond of guardian removed without a successor.** Whenever any guardian is removed, and no person is appointed to succeed in the guardianship, the clerk of the Superior Court shall certify the name of such guardian and his sureties to the solicitor of the judicial district, who shall forthwith institute an action on the bond of the guardian in the Superior Court, for securing the estate of the ward.

C. S. 2200. **Judge to appoint receiver; his rights and duties.** The judge of the Superior Court, either residing in or presiding over the courts of the district, before whom such action is brought, shall have power to appoint the clerk of the Superior Court or some discreet person as a receiver to take possession of the ward's estate, to collect all moneys due to him, to secure, lend, invest or apply the same for the benefit and advantage of the ward, under the direction and subject to such rules and orders in every respect as the said judge may from time to time make in regard thereto; and the accounts of such receiver shall be returned, audited and settled as the judge may direct. The receiver shall be allowed such amounts for his time, trouble and responsibility as seem to the judge reasonable and proper; and such receivership may be continued until a suitable person can be procured to take the guardianship.

C. S. 2201. **Receiver to pay over estate to infant or guardian.** When another guardian is appointed, he may apply by motion, on notice, to the judge of the Superior Court for an order upon the receiver to pay over all the money, estate and effects of the ward; and if no such guardian is appointed, then the ward, on coming of age, or in case of his death, his executor, administrator or collector, and the heir or personal representative of the idiot, lunatic or insane person, shall have the like remedy against the receiver.

C. S. 2202. **Duties and compensation of solicitor.** The solicitor shall prosecute the action and take all necessary orders therein, and for his services shall be allowed such reasonable compensation as may be just, not to exceed ten dollars; in passing on the returns of receivers, where the estate of the infant does not exceed five hundred dollars, not to exceed five dollars; and where the estate exceeds five hundred dollars, not to exceed ten dollars. The amount in each case to be fixed by the judge.

See, also, under County Superintendent of Public Welfare and Juvenile Courts.

C. S. 962. **Payment of money for indigent children.** When any moneys in the amount of three hundred dollars or less are paid into court for any minor, indigent or needy child or children for whom no one will become guardian, upon satisfactory proof of the necessities of such minor, child or children, the clerk may upon his own motion or order pay out the same in such sum or sums at such time or times as in his judgment is for the best interest of said child or children, or to some discreet and solvent neighbor of said minor, to be used and faithfully applied for the sole benefit and maintenance of such minor indigent and needy child or children. The clerk shall take a receipt from the person to whom any such sum is paid and shall require such person to render an account of the expenditure of the sum or sums so paid, and shall record the receipt and the accounts, if any are rendered by order of the clerk, in a book entitled, "Record of Amounts Paid for Indigent Children," and such receipt shall be a valid acquittance for the clerk. That in all cases where a minor child is now or may hereafter be the beneficiary of any policy of life insurance and the sum due to said minor child by virtue of any such policy does not exceed three hundred dollars, the insurance company which issued said policy may pay the sum due thereunder to the clerk of the Superior Court of the county where said minor child resides whose duty it shall be to receive it, and said clerk shall issue and deliver to such insurance company his receipt for the sum so paid, which shall be a complete release and discharge of said company from any and all liability to said minor child under and by virtue of any such policy of insurance. Moneys so paid to said clerk shall be held and disbursed by him in the manner and subject to the limitations provided by this act. (As amended by Chapter 15, Public Laws 1929.)

NOTE: *See also "Veterans' Guardianship Act," page* 143.

CHILD LABOR REGULATIONS

PUBLIC LAWS 1931, CHAPTER 312, SECTION 12. **Division of Standards and Inspections.**

(a) The Division of Standards and Inspections shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction heretofore vested in the North Carolina Child Welfare Commission under article one, chapter ninety, of the Consolidated Statutes,

and said article and the several sections of the Consolidated Statutes included in said article are hereby amended to the extent necessary to make said transfer of duties, power, purposes, responsibilities and jurisdiction effective and to carry out the provisions, purposes and intent of this act. The organization and personnel of the Child Welfare Commission shall be continued subject to such changes therein as shall be made by the Commissioner of Labor and the Director of said Division with the approval of the Governor. Transfer of duties and power shall not, however in any degree effect the validity of the rules and regulations heretofore adopted by said Child Welfare Commission, but the same shall remain in force and effect and be administered by said Division of Standards and Inspections. The Director of said Division, together with the Commissioner of Labor, with the approval of the Governor shall have authority to amend or abolish old rules and make such new rules and regulations as they may deem necessary not inconsistent with this act or existing law.

(b) To make studies and investigations of special problems connected with the labor of women and children, and to create the necessary organization and to appoint an adequate number of investigators, with the consent of the Commissioner of Labor and the approval of the Governor; and the Director of said Division, under the supervision and direction of the Commissioner of Labor and under such rules and regulations as shall be prescribed by said Commissioner, with the approval of the Governor, shall perform all duties devolving upon the Department of Labor, or the Commissioner of Labor, with relation to the enforcement of the laws, rules, and regulations governing the employment of women and children.

(c) To report annually to the Commissioner of Labor the activties of the division, with such recommendations as may be considered advisable for the improvement of the working conditions for women and children.

(d) Shall also collect and collate information and statistics concerning the location, estimated and actual horsepower and condition of valuable water-powers, developed and undeveloped, in this State; also concerning farm lands and farming, the kinds, character and quality of the annual farm products in this State; also of timber lands and timbers, truck gardening, dairying, and such other information and statistics concerning the agricultural and industrial welfare of the citizens of this State as he may deem to be of interest and benefit to the public, and shall also perform the duties of mine inspector as prescribed in the chapter entitled Mines.

(e) The chief administrative officer of the Division of Standards and Inspections shall be known as the Chief Inspector. It shall be his duty, under the direction and supervision of the Commissioner of Labor, under rules and regulations to be adopted by the Department as herein provided, to make or cause to be made all necessary inspections to see that all laws, rules and regulations concerning the safety and well-being of labor are promptly and effectively carried out.

(f) It shall further be the duty of the Division of Standards and Inspections to conduct such research and carry out such studies as will contribute to the health, safety, and general well-being of the working classes of the State. The findings of such investigations, with the approval of the Commissioner of Labor and the Governor and the cooperation of the chief administrative officer of the Division or Divisions directly concerned, shall be promulgated as rules and regulations governing work places and working conditions. All recommendations and suggestions pertaining to health, safety, and well-being of employees shall be trans-

mitted to the Commissioner of Labor in an annual report which shall cover the work of the Division of Standards and Inspections.

C. S. 5032. **Employment of children under fourteen regulated.** No child under the age of fourteen years shall be employed or permitted to work in or about or in connection with any mill, factory, cannery, workshop, or manufacturing establishment. No child under the age of fourteen years shall be employed or be permitted to work in or about or in connection with any laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, boot-black stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, public works, or any form of street trade, except in cases and under regulations prescribed by the Division of Standards and Inspections: *Provided*, the employments in this section enumerated shall not be construed to include bona fide boys' and girls' canning clubs recognized by the Agricultural Department of this State, or vocational training classes authorized by the State Board of Education, and such canning clubs and vocational classes are hereby expressly exempted from the provisions of this article.

C. S. 5033. **Prohibited employments of children under sixteen.** No person under sixteen years of age shall be employed or permitted to work in any of the places of occupations referred to in the preceding section for more than eight hours in any one day or forty-eight hours or six days in any one week, or after the hours of seven P. M. or before the hours of six A. M., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine, or oiling or cleaning hazardous machinery in motion or in running elevators, or around exposed electric wires, or in the manufacture, preparation or use of any poisonous substance or gas, or explosive: *Provided*, the Division of Standards and Inspections shall designate and define hazardous machinery in the purview of this act: *Provided further*, no machinery except such as is specifically mentioned herein shall be deemed hazardous until so determined by the Division of Standards and Inspections: *Provided further*, the eight-hour day limitation in this act shall not apply to any boy between fourteen and sixteen years of age who is the sole support of himself and/or a widowed mother to be determined by the Local County Child Welfare Officer, and for whom the agent of the Division of Standards and Inspections states that an eight-hour day job can not be found. That nothing in said section shall be construed to prevent male persons under sixteen years of age and over fourteen years of age from distributing newspapers, magazines and periodicals on fixed routes, provided, that such persons shall not be employed, nor suffered to work after eight o'clock P. M. and before five o'clock A. M., and that the hours of work and the hours in school do not exceed eight hours in any one day, and: *Provided further*, that such persons shall not be suffered to work, nor be employed more than four hours per day, nor more than twenty-four hours per week. (As amended by Chapters 125 and 391, Public Laws 1931.)

C. S. 5034. **Age certificates.** No child under the age of sixteen years shall be employed in any of the ways enumerated in this act unless at the time of such employment the employer shall in good faith procure, rely upon and place on file a certificate issued in such form and under such conditions and by such persons as the Division of Standards and Inspections shall prescribe, showing that the person is of legal age for such em-

ployment, and the laws and rules made by the Division of Standards and Inspections under authority of this act have been complied with. The possession of such certificate by an employer shall be *prima facie* evidence that he has complied with the requirements and obligations of this act when employing such child. No person shall knowingly make a false statement or present false evidence in, or in relation to any such certificate, or application therefor, or cause any false statement to be made which may result in the issuance of an improper certificate of employment.

C. S. 5035. **Division may employ agents.** The Division shall have authority to appoint and employ such agents for the purpose of enforcing the provisions of this article as may be found to be necessary, and they may use the county superintendent of public welfare or chief school attendance officer or truant officer of the several counties for the purpose of carrying out such provisions, and they may use the agents specially designated for carrying out the provisions of this article to aid in carrying out the provisions of the general compulsory school attendance law under subchapter nine (IX) of the chapter on education. And all agents and officials enumerated in this section shall make complete reports of all official acts done in compliance with this chapter on blanks furnished by the Division of Standards and Inspections.

C. S. 5036. **Inspection by agents; obstruction unlawful.** For the purpose of securing the proper enforcement of the provisions of this article and of the laws relating to seats for women employees, and the laws requiring separate toilets for sexes and races, the Division or the duly authorized agents, shall have authority to enter and inspect, at any time, mines, quarries, mills, factories, canneries, workshops, manufacturing establishments, laundries, bakeries, mercantile establishments, offices, hotels, restaurants, barber shops, bootblack stands, public stables, garages, places of amusement, brick yards, lumber yards, and other places of employment; and it shall be unlawful for any person, firm, or corporation to refuse permission to enter, obstruct, or prevent any duly authorized agent of the Division in his effort to make the inspection herein provided for.

C. S. 5038. **Violations of this article and of certain other laws a misdemeanor.** Any person, firm, or corporation violating any of the provisions of this article, or of the laws relating to seats for women employees or of the laws requiring separate toilets for sexes and races, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, within the discretion of the court.

DUTIES OF THE SUPERINTENDENT OF PUBLIC WELFARE AS AUTHORIZED AGENT OF THE DIVISION OF STANDARDS AND INSPECTIONS.

To act as the commissioned agent of the Division of Standards and Inspections, and assist in enforcing the child labor law and other acts relative to business and industry.

To supervise and direct the child in employment.

To issue certificate for employment and to establish age.

To investigate and make detailed inspection of places prescribed in the law.

To exercise the necessary authority in correcting violations discovered.

To record and report the duties performed as required by rules of the Division.

C. S. 4446. **Failing to pay minors for doing certain work.** Whenever any person, having a contract with any corporation, company, or person for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall wilfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

See Biennial Report of Attorney General—1924-1926—*Pages* 294-298.
See Biennial Report of Attorney General—1918-1920—*Page* 149.

NOTE: *For rulings on child labor laws consult Director Division of Standards and Inspections, Department of Labor, Raleigh, N. C.*

COMPULSORY SCHOOL ATTENDANCE

C. S. 5757. **Parent or guardian required to keep child in school. Exceptions.** Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in that district in which the child resides shall be in session. The principal, superintendent or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

C. S. 5758. **State Board of Education to make rules and regulations; method of enforcement.** It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: *Provided*, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this act: *Provided, further*, that wherever any district is without adequate building or buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provisions in every district.

Mental incapacity shall be an excuse for non-attendance, and is interpreted to mean feeble-mindedness or such nervous disorder as to make it either impossible for such child to profit by instruction given in the school or impracticable for the teacher properly to instruct the normal pupils of

the school. In the case of feeble-minded children, the teacher shall designate the same in her reports to the County Superintendent of Public Welfare, and it shall be his duty to report all such cases to the State Board of Charities and Public Welfare. Whereupon said Board shall make, or cause to be made, an examination to ascertain the mental incapacity of said child and report the same to the county or city superintendent involved. Upon receipt of said report the local school authorities are hereby authorized, under such limitations and rules as the State Board of Education may adopt, to exclude said child from the public school when it is ascertained that the child can not benefit by said instruction and his presence becomes a source of disturbance to the rest of the children. In all such cases in which a child is excluded from school a complete record of the whole transaction shall be filed in the office of the county or city superintendent and kept as a public record. (As amended by Chapter 453, Public Laws 1931.)

C. S. 5759. **Attendance officers; reports; prosecutions.** The State Superintendent of Public Instruction shall prepare such rules of procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and boards of special charter districts have the right to appoint district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in special charter districts having special attendance officers paid out of local funds, said officers shall have full authority to prosecute for violations of this article.

C. S. 5760. **Violation of law; penalty.** Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S. 5761. **Investigation and prosecution by county superintendent and attendance officer.** The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violations of the provisions of this article.

Compulsory Attendance of Indigent Children

C. S. 5762. **Investigation as to indigency of child.** That if affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents standing *in loco parentis* are unable to send

the child to school for the term of a compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a *bona fide* effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county, or in special charter districts to the board of trustees in which the case may arise.

C. S. 5763. **Aid to indigent child.** The county board of education shall in its discretion order aid to be given the family from the operating and equipment fund of the county school budget to an extent not to exceed ten dollars per month for such child during continuance of the compulsory term, and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated, and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

COMPULSORY ATTENDANCE OF DEAF AND BLIND CHILDREN

C. S. 5764. **Deaf and blind children to attend school; age limits; minimum attendance.** Every deaf and every blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or blind for a term of nine months each year between the ages of seven and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of seven and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf as is herein provided: *Provided*, that the board of directors of any school for the deaf or blind may exempt any such child from attendance at any session or during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a deaf or blind child shall reach the age of eighteen and is still unable to become self-supporting because of its defects, such a child shall continue in said school until it reaches the age of twenty-one, unless it becomes self-supporting sooner.

C. S. 5765. **Parents, etc., failing to send to school guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any deaf children between the ages of eight and fifteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, (1) that parents, guardians, or custodians may elect two years between the ages of seven and eighteen years that a deaf child or children may remain out of school; and (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his or their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

C. S. 5766. **Parents, etc., failing to send guilty of misdemeanor; provisos.** The parents, guardians, or custodians of any blind child or children between the ages of seven and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: *Provided*, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State school for the blind and the deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

C. S. 5767. **To report defective children.** It shall be the duty of the superintendent to report, through proper legal channels, the names and addresses of parents, guardians, or custodians, of deaf, dumb, blind, and feeble-minded children to the principal of the institution provided for each, and upon the failure of the county superintendent to make such reports, he shall be fined five dollars for each child of the class mentioned above not so reported.

C. S. 5885. **When clothing, etc., for pupils paid for by State.** Where it shall appear to the satisfaction of the Superintendent of Public Welfare and the Chairman of the Board of County Commmissioners that the parents of any deaf or blind child of the county, are then unable to provide such child with clothing and/or traveling expenses to and from the State School for the Blind and Deaf, and the North Carolina School for the Deaf, or where such child has no living parent, or any estate of its own, or any person, or persons, upon which it is legally dependent who are able to provide expenses provided for herein, then, upon the demand of the institution which such child attends or has been accepted for attendance, said demand being made through the State Auditor, the Board of County Commissioners of the county in which such child resides shall issue or cause to be issued, its warrant payable to the State Auditor, same to be credited to the proper institution, for the payment of an amount sufficient to clothe and pay traveling expenses of said child; *Provided*, that the amount, in no case, shall exceed forty-five dollars ($45.00) per annum for each child, in addition to such amounts as may be necessary to defray the actual traveling expenses to and from said institution. For such amount so furnished, the parents, other persons upon whom such child is, or may be legally dependent, and such child, shall be and remain liable for the payment thereof, together with five per cent (5%) per annum interest thereon from the date of each payment by the county. At any time after any of such payments, in the discretion of the Board of Commissioners, or any succeeding board, a suit may be instituted in some court of competent jurisdiction in said county, or in any other county in the State according to the venue now or hereafter fixed by law for the recovery of the same, which suit shall be prosecuted by the person who may now or hereafter perform the duties of County Attorney, and the parents of such child shall be liable therefor jointly and severally, and all other persons who are made liable therefor herein shall be liable severally for such amounts and interest and the costs of suit. (As amended by Chapter 181, Public Laws 1929.)

PUBLIC LAWS 1931, CHAPTER 155. **County officials to compile statistics on blind.**

SECTION 1. It shall be the duty of the chairman of the board of commissioners of each county of the State, with the assistance of the County Superintendent of Public Welfare and the County Health Officer, to inquire into and compile statistics concerning the number of blind persons and persons suffering with impaired visions likely to produce total blindness in each county, the ages of the same, their education, and station in life, the cause of their blindness, and such other and further facts concerning the blind as the Superintendent of the State School for the Blind and Deaf at Raleigh shall deem expedient and necessary in order that facts and figures concerning the blind and persons suffering with impaired visions likely to produce total blindness may be available for the General Assembly of one thousand nine hundred and thirty-three; and that said statistics be reported to said Superintendent of School for the Blind and Deaf by the said chairman of the board of county commissioners of each county by July first, one thousand nine hundred and thirty-two.

SEC. 2. The Superintendent of the State School for the Blind and Deaf shall report to the one thousand nine hundred and thirty-three session of the General Assembly the summarized statistics of each respective county report, and shall make to the General Assembly at that time such recommendations as he may desire for the betterment of the blind of the State to the end that some constructive program of legislation may be adopted toward the further rehabilitation of the blind and toward the further prevention of blindness in the State.

SEPARATE SCHOOLS

C. S. 5384. **Separation of races.** The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians, now living in Robeson, Sampson, and Richmond counties, shall have separate schools for their children.

JUVENILE COURTS

C. S. 5039. **Exclusive original jurisdiction over children.** The Superior Courts shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in or being at this time within their respective districts—

(1) Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or

(2) Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be, and for permitting which an adult may be punished by law, or who is in such condition or surroundings, or is under such improper or insufficient

guardianship or control as to endanger the morals, health, or general welfare of such child; or

(3) Who is dependent upon public support or who is destitute, homeless or abandoned, or whose custody is subject to controversy.

When jurisdiction has been obtained in the case of any child, unless a court order shall be issued to the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this act during the minority of the child. The duty shall be constant upon the court to give each child subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of such child and to the best interest of the State.

C. S. 5040. **Juvenile courts created; part of Superior Courts.** There shall be established in each county of the State a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of this article. Such part of the Superior Court shall be called The Juvenile Court of_____County.

The clerk of the Superior Court of each county in the State shall act as judge of the juvenile court in the hearing of cases coming within the provisions of this article, in which cases the child or children concerned therein reside in or are at the time within such county. Proceedings in such cases may be initiated before such judge, and in hearing such cases such judge shall comply with all the requirements and conform to the procedure provided in this article. *Provided*, that in counties, where the county seat is a city containing twenty-five thousand inhabitants, or more, the board of commisisoners of such counties shall have the right in their discretion to co-operate with the governing body of such city in the election of a judge of a juvenile court provided for in section 5062 which judge when so elected shall perform all the duties, and possess all the powers and jurisdiction conferred by this article upon the clerk of Superior Court, as well as that conferred upon the judge of the juvenile court of such cities by this article such judge to be so elected by the joint action of the governing bodies of such city and county shall hold office for the term of one year, and until his successor shall be duly elected, and the county availing itself of the provisions of this section shall pay said judge for services rendered the county, (outside of city) such sum as the county commissioners of said county shall deem just and proper.

See Biennial Report of Attorney General—1923-1924—*Pages* 239, 240, 242, 243-246, 254.

See Biennial Report of Attorney General—1918-1920—*Pages* 146-149.

See Biennial Report of Attorney General—1921-1922—*Pages* 184, 188, 189.

C. S. 5041. **Definitions of terms.** The term "court," when used in this article without modification, shall refer to the juvenile court to be established in each county as herein provided. The term "judge," when used in this article, shall refer to the clerk of the Superior Court, acting as judge of the juvenile court. The term "child" shall mean any minor less than sixteen years of age. The term "adult" shall mean any person sixteen years of age or over.

C. S. 5042. **Sessions of court; records; general provisions.** Sessions of the court shall be held at such times and in such places within the county as the judge shall from time to time determine. In the hearing of any case coming within the provisions of this article the general public may be excluded and only such persons admitted thereto as have direct

interest in the case. Sessions of the court shall not be held in conjunction with any other business of the Superior Court, and children's cases shall not be heard at the same time as those against adults.

The court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication under the provisions of this article shall operate as a disqualification of any child for any public office, and no child shall be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

This article shall be construed liberally and as remedial in character. The powers hereby conferred are intended to be general and for the purpose of affecting the beneficial purposes herein set forth. It is the intention of this article that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case.

C. S. 5043. **Petition to bring child before court.** Any person having knowledge or information that a child is within the provisions of this article and subject to the jurisdiction of the court, may file with the court a petition verified by affidavit, stating the alleged facts which bring such child within such provisions. The petition shall set forth the name and residence of the child and of the parents, or the name and residence of the person having the guardianship, custody, or supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

C. S. 5044. **Issuance of summons; traveling expenses allowed.** Upon the filing of the petition or upon the taking of a child into custody, the court may forthwith, or after an investigation by a probation officer or other person, cause to be issued a summons signed by the judge or the clerk of the court directed to the child, unless such child has been taken into custody, and to the parents or, in case there is no parent, to the person having the guardianship, custody, or supervision of the child, or the person with whom the child may be, requiring them to appear with the child at the place and time stated in the summons to show cause why the child should not be dealt with according to the provisions of this article.

The judge may, in his discretion, authorize the payment of necessary traveling expenses incurred by any witness or persons summoned or otherwise required to appear at the hearing of any case coming within the provisions of this article. Such expenses, when approved by the judge of the Superior Court, shall be a charge upon the county in which the petition is filed.

C. S. 5045. **Custody of child may be immediate.** If it appears from the petition that the child is embraced within subdivision one of the first section of this article, or is in such condition or surroundings that the welfare of the child requires that its custody be immediately assumed, the court may endorse or cause to be endorsed upon the summons a direction that the officer serving the same shall at once take such child into custody.

In the case of any child who has been taken into custody or pending the final disposition of any case, the child may be released in the custody of a

parent or other person having charge of the child or in the custody of a probation officer or other person appointed by the court, to be brought before the court at the time designated. Any child embraced in this article may be admitted to bail as provided by law. When not released as herein provided such child, pending the hearing of the case, shall be detained in such place of detention as hereinafter provided for.

C. S. 5046. **Service of summons.** Service of summons shall be made personally by reading to and leaving with the persons summoned a true copy thereof: *Provided*, that if the court is satisfied that reasonable but unsuccessful effort has been made to serve the summons personally upon any of the parties named therein, or if it shall appear to the satisfaction of the court that it is impracticable to serve a summons personally upon any of them, the court may make an order providing for service of the summons by registered mail or by publication or otherwise in such manner as the judge shall determine. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested by the child or a parent, or in case there is no parent, by the person having the guardianship, custody or supervision of the child, shall not proceed with the hearing earlier than three days after the service. Failure to serve a summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision one of the first section of this article, provided that for good cause shown the court shall have made an order dispensing with such service.

If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as for contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued on the order of the court either against the parent or guardian or other person having custody of the child or with whom the child may be, or against the child himself.

The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed by the court, but the papers may be served by any person delegated by the court for that purpose.

C. S. 5047. **Hearing; disposition of child.** Upon the return of the summons or other process or after any child has been taken into custody, at the time set for the hearing, the court shall proceed to hear and determine the case in a summary manner. The court may adjourn the hearing from time to time and inquire into the habits, surroundings, conditions, and tendencies of the child so as to enable the court to render such order or judgment as shall best conserve the welfare of the child and carry out the objects of this act. In all cases the nature of the proceedings shall be explained to the child and to the parents or the guardian or person having the custody or the supervision of the child. At any stage of the case the court may, in its discretion, appoint any suitable person to be the guardian *ad litem* of the child for the purposes of the proceeding.

The court, if satisfied that the child is in need of the care, protection, or discipline of the State, may so adjudicate and may find the child to be delinquent, neglected, or in need of more suitable guardianship. Thereupon the court may

1. Place the child on probation subject to the conditions provided hereinafter; or

2. Commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court, to the supervision of a probation officer and the further orders of the court; or

3. Commit the child to the custody of the State Board of Charities and Public Welfare, to be placed by such board in a suitable institution, society or association as described in sub-section four of said section five thousand and forty-seven, or in a suitable family home and supervise, therein; (Chapter 84, Public Laws 1929.) or

4. Commit the child to a suitable institution maintained by the State or any subdivision thereof, or to any suitable private institution, society or association incorporated under the laws of the State and approved by the State Board of Charities and Public Welfare, authorized to care for children or to place them in suitable family homes; or

5. Render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

6. If a child of fourteen years of age be charged with a felony for which the punishment as now fixed by law cannot be more than ten years in prison, his case shall be investigated by the probation officer and the judge of the juvenile court as provided for in this article, unless it appears to the judge of the juvenile court that the case should be brought to the attention of the judge of the Superior Court, in which case the child shall be held in custody or bound to the next term of the Superior Court as now provided by law.

See Biennial Report of Attorney General—1924-1926—*Pages* 345, 346.

C. S. 5048. **Child to be kept apart from adult criminals; detention home.** No child coming within the provisions of this act shall be placed in any penal institution, jail, lockup, or other place where such child can come into contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purposes of this article, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home.

In case a detention home is established as an agency of the court it shall be furnished and carried on so far as possible as a family home in charge of a superintendent or matron who shall reside therein. The judge of the juvenile court may, with the approval of the State Board of Charities and Public Welfare, appoint a matron or superintendent, or both, and other necessary employees for such home in the same manner as probation officers are appointed under this article, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The necessary expenses incurred in maintaining such detention home shall be a public charge.

In case the judge shall arrange for the boarding of children temporarily detained in private homes, a reasonable sum for the board of such children while temporarily detained in such homes shall be paid by the county in which such child shall reside or may be found.

In case the judge shall arrange with any incorporated institution, society or association for the use of a detention home maintained by such institution, society or association, he shall enter an order which shall be effectual for that purpose and a reasonable sum shall be appropriated by the county commissioners for the compensation of such institution, society or association for the care of children residing or found within the county who may be detained therein.

C. S. 5049. **Probation officers; appointment and discharge; compensation.** The judge of the juvenile court in each county shall appoint one or more suitable persons as probation officers who shall serve under his direction. The appointment of such probation officers shall be approved by the State Board of Charities and Public Welfare.

The county superintendent of public welfare shall be the chief probation officer of every juvenile court in his county, and shall have supervision over the work of any additional probation officer which may be appointed.

The judge appointing any probation officer may discharge such officer for cause after serving such officer with a written notice, but no probation officer shall be discharged without the approval of the State Board of Charities and Public Welfare.

The judge appointing any probation officer may, in his discretion, determine that a suitable salary be paid, and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determined and so approved shall be paid by the board of county commissioners, but no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Charities and Public Welfare.

The State Board of Charities and Public Welfare shall establish rules and regulations pursuant to which appointments under this article shall be made, to the end that such appointment shall be based upon merit only.

The appointment of a probation officer shall be in writing and one copy of the order of appointment shall be delivered to the officer so appointed and another filed in the office of the State Board of Charities and Public Welfare.

C. S. 5050. **Probation; conditions; revocation.** When the court places any child or adult on probation as provided in this article it shall determine the conditions of probation, which may be modified by the court at any time. A child shall remain on probation for such period as the court shall determine during the minority of such child. An adult shall remain on probation for such period as the court shall determine, not to exceed five years. The conditions of probation shall be such as the court shall prescribe, and may include, among other conditions, any or several of the following: That the probationer shall indulge in no unlawful or injurious habits; shall avoid places or persons of disreputable or harmful character; shall report to the probation officer as directed by the court or probation officer; shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; shall answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; shall, if a child of compulsory school age, attend school regularly; shall, if an adult or a child who does not attend school, work faithfully at suitable employment; shall remain or reside within a specified place or locality; shall pay a fine in one or several sums; shall make restitution or reparation to the aggrieved parties for actual damages or losses caused by an offense, upon such conditions as the court shall deter-

mine; and shall make payment for the support of any lawful dependents as required by the court.

Any person on probation may at any time be required to appear before the court, and in case of his failure to do so when properly notified by the probation officer, the court may issue a warrant for his arrest. In the case of a child on probation, if the court believes that the welfare of such child will thereby be promoted, the probation may be revoked at any time, and the court may make such other disposition of the child as it might have made at the time the child was placed on probation. An adult on probation who violates any of the conditions thereof may be arrested upon a warrant issued by the court, and the court may impose any penalties which it might have imposed at the time the defendant was placed on probation.

C. S. 5051. **Duties and powers of probation officers.** It shall be the duty of a probation officer to make such investigations before, during or after the trial or hearing of any case coming before the court as the court shall direct, and shall report thereon in writing. The probation officer shall take charge of any child before or after the trial or hearing when so directed by the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation, and shall instruct the probationer and other persons responsible for the welfare of the probationer regarding same, and shall enforce all the conditions of probation. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring of reports and in other ways, and shall report upon the progress of each case under his supervision at least monthly to the court. Such officer shall use all suitable methods not inconsistent with the conditions imposed by the court to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work. He shall keep accurate and complete accounts of all moneys collected from persons under his supervision; he shall give receipts therefor, and shall make at least monthly returns thereof; such officer shall make such report to the State Board of Charities and Public Welfare as it may from time to time require, and shall perform such other duties as the court under whose direction such officer is serving shall direct.

Every probation officer shall have all the powers of a peace officer within the jurisdiction of the court which he serves. With the approval or under the direction of the judge of the court in which a probation officer is serving, such officer is authorized and empowered to act as probation officer over any person on probation transferred to his supervision from any other court, and may act as parole officer over any person released from a correctional institution when requested to do so by the authorities thereof and when authorized so to act by the judge of the court in which such probation officer is serving.

C. S. 5052. **Support of child committed to custodial agency.** Whenever any child is committed by the court to the custody of an institution, association, society, or person other than its parent or guardian, compensation for the care of such child when approved by the order of the court, shall be a charge upon the county, but the court may at the issuance and service of an order to show cause on the parent or other person having the duty under the law to support such child adjudge that such parent or other person shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and wilful failure to pay such sum may be punished as a contempt of court.

C. S. 5053. **Selection of custodial agency.** In committing any child to any institution or other custodial agency other than one supported and controlled by the State or in placing the child under any guardianship other than that of its natural guardians, the court shall, as far as practicable, select as the custodial agency an institution, society or association governed by persons of like religious faith as the parents of such child or an individual holding the same religious belief.

C. S. 5054. **Modification of judgment; the return of child to parents.** Any order or judgment made by the court in the case of any child shall be subject to such modifications from time to time as the court may consider to be for the welfare of such child, except that a child committed to an institution supported and controlled by the State may be released or discharged only by the governing board or officer of such institution.

Any parent or guardian, or if there be no parent or guardian, the next friend of any child who has been or shall hereafter be committed by the court to the custody of an institution, other than an institution supported and controlled by the State, or to the custody of any association, society or person, may at any time file with the court a petition verified by affidavit setting forth under what conditions such child is living, and that application for the release of the child has been made to and denied by such institution, association, society or person, or that institution, association, society or person has failed to act upon such application within a reasonable time. A copy of such petition shall at once be served by the court upon such institution, association, society or person, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the question at issue, and may return such child to the custody of its parents or guardian or direct such institution, association, society or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require.

Any child while under the jurisdiction of the court shall be subject to the visitation of the probation officer or other agent of the court authorized to visit such child.

C. S. 5055. **Appointment of guardians.** Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of any child within the jurisdiction of the court will be promoted by the appointment of an individual as general guardian of its person, when such child is not committed to an institution or to an incorporated society or association, or by the appointment of an individual or corporation as general guardian of its property, the court shall have jurisdiction to make such appointment, either upon the application of the child or of some relative or friend, or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents of such child in such manner and for such time, prior to the hearing, as the court may deem reasonable. In any case arising under this act the court may determine as between parents or others whether the father or mother or what person shall have the custody and direction of said child, subject to the provisions of the preceding section.

C. S. 5056. **Examination and treatment of children found to be mentally defective or in need of medical care.** The court, in its discretion, either before or after a hearing, may cause any child within its jurisdiction to be examined by one or more duly licensed physicians, who shall submit

a written report thereon to the court. If it shall appear to the court that any child within the jurisdiction of the court is mentally defective, he may cause the child to be examined by two licensed physicians, and on the written statement of the two examining physicians that it is their opinion that the child is mentally defective, feebleminded, or epileptic, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feebleminded, or epileptic children, as the case may be. No child shall be committed to such institution unless the parent or parents or the guardian or custodian of such child, if such there be, are given an opportunity for a hearing.

Whenever a child within the jurisdiction of the court and under the provisions of this act appears to the court to be in need of medical or surgical care a suitable order may be made for the treatment of such child in a hospital or otherwise, and the expense thereof, when approved by the court, shall be a charge upon the county or the appropriate subdivision thereof; but the court may adjudge that the person or persons having the duty under the law to support such child shall pay a part or all of the expenses of such treatment as provided in section 5052 of this article.

See Biennial Report of Attorney General—1924-1926—*Page* 280.

C. S. 5057. **Offenses against children; responsibility of parents and other adults; penalty.** A parent, guardian, or other person having the custody of a child who omits to exercise reasonable diligence in the care, protection, or control of such child, causing it to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State as provided in this act, or who permits such child to associate with vicious, immoral, or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation, or any place where gambling is carried on, or to enter any place which may be injurious to the morals, health or general welfare of such child, and any such person or any other person who knowingly or wilfully is responsible for, encourages, aids, causes or connives at, or who knowingly or wilfully does any act to produce, promote or contribute to the condition which caused such child to be adjudged delinquent, neglected, or in need of the care, protection, or discipline of the State, shall be guilty of a misdemeanor.

C. S. 5058. **Appeals.** An appeal may be taken from any judgment or order of the juvenile court to the Superior Court having jurisdiction in the county by the parent or, in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in the two preceding sections of this act whose case has been heard by the juvenile court. Such appeal shall be taken in the manner provided for appeals to the Superior Court: *Provided*, that written notice of such appeal be filed with the juvenile court within five days after the issuance of the judgment or order of such court.

C. S. 5059. **Compensation of judges.** The judge of the juvenile court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the Superior Court.

C. S. 5060. **Co-operation.** It is hereby made the duty of every State, county or municipal official or department to render such assistance and

co-operation within his or its jurisdiction or power as shall further the objects of this act. All institutions or other agencies to which any person coming within the provisions of this act may be sent are hereby required to give such information concerning such child to the court or to any other officer appointed by it as said court or official may require for the purposes of this act. The court is authorized to seek the cooperation of all societies, organizations or individuals to the end that the court may be assisted in every way in the discharge of its duties.

C. S. 5061. **Rules.** The court shall have power to devise and publish rules to regulate the procedure in cases coming within the provisions of this act and for the conduct of all probation and other officers of the court in such cases. The court shall devise and cause to be printed for public use such forms for records and for various petitions, orders, processes, and other papers in the cases coming within this act as shall meet the requirements thereof, and all expenses incurred in complying with the provisions of this act shall be a public charge.

C. S. 5062. **City juvenile courts and probation officers.** Every city in North Carolina where the population was by the census of one thousand nine hundred and twenty, ten thousand or more shall maintain a juvenile court to which is hereby given the powers, duties, and obligations of this article to be exercised within their territorial boundaries. Such city juvenile courts shall conduct their business in accordance with the procedure set forth in this act as applying to the county juvenile court. It is hereby made the duty of governing bodies of such cities to make provision for such courts and bear the expense thereof, either by requiring the recorder to act as juvenile judge, or by the appointment of a separate judge. The governing bodies of such cities shall also appoint one or more assistant probation officers, who shall serve within its jurisdiction under the general supervision of the chief probation officer of the county, which chief probation officer of the county is hereby made the chief probation officer of the city court herein provided for. The salary of the chief juvenile court judge shall be fixed and paid by the governing body of the city, and such governing bodies are hereby given authority to expend such sums from the public funds of the city as may be required to carry this article into effect.

In case it may appear to the governing bodies of such cities herein described that it would be best to allow the county juvenile court to transact the business of the city, they may make such provisions and agreements with the county commissioners for the expense of the joint court as may be agreed upon, and in such event, such a city is hereby permitted to make such arrangement in lieu of establishing a city juvenile court. But in case the county commissioners will not agree to such arrangement, then the city must establish a juvenile court, as provided in this section.

Any town of five thousand population, which is not a county-seat, and in which there is a recorder's court, may, if deemed advisable and necessary by the governing body, provide for the conduct of a juvenile court within the territorial jurisdiction of such recorder's court: *Provided*, that the provisions and procedure of this chapter are fully followed as in case for towns of ten thousand inhabitants.

DOMESTIC RELATIONS COURTS

PUBLIC LAWS, 1929. CHAPTER 343. **Domestic Relations Courts in Certain Counties.**

SECTION 1. That the Board of County Commissioners in the various counties having a county seat with twenty-five thousand or more inhabitants of the State, or the governing authorities in cities of twenty-five thousand or more inhabitants shall have authority to establish a "Domestic Relations Court," which court may be a joint county and city court, as provided in section two of this act or a court for the county or city as may be determined by the governing authorities.

SEC. 2. That in case the Board of County Commissioners and governing authorities of a particular city decide to establish a joint city and county Domestic Relations Court—they voting as separate bodies shall determine whether or not such Domestic Relations Court shall be established. If both bodies shall vote for its establishment, each of them shall record the resolutions in their minutes and upon such consent by both boards, the court shall be established. In counties in which the said joint court is thus established by the Board of County Commissioners and the governing authorities of the county and city such establishment of the court shall not prevent any other city within the territorial limits of the county and having more than twenty-five thousand inhabitants, establishing its own court under section one of this chapter.

SEC. 3 That said Domestic Relations Court shall have, and is hereby vested with all the power, authority, and jurisdiction heretofore vested by law in the juvenile courts of North Carolina, and said power, authority, and jurisdiction being as fully vested in the Domestic Relations Court as if herein particularly set forth in detail; and in addition thereto the said Domestic Relations Court shall have exclusive original jurisdiction over the following classes of cases:

(a) All cases where any adult is charged with abandonment, non-support, or desertion of any juvenile, or where either spouse is charged with abandonment, non-support, or desertion of the other.

(b) All cases involving voluntary desertion of any juvenile by its mother.

(c) All cases involving the custody of juveniles, except where the case is tried in Superior Court as a part of any divorce proceeding.

(d) All cases where assault, or assault and battery, on a juvenile is charged against an adult, or where husband or wife is charged with assault, or assault and battery, upon the other.

(e) All cases in which an adult is charged with causing or being responsible for delinquency, dependency, or neglect of a juvenile.

(f) All bastardy cases within said county.

(g) All cases where adoption of juveniles is sought shall first be brought before the said Domestic Relations Court for full investigation, and such petition and other papers as are now required to be filed with the Clerk of the Superior Court shall be filed with the Clerk of the Domestic Relations Court; and the results of said investigation shall be reported to the Clerk of the Superior Court, together with such recommendation as the Judge of the Domestic Relations Court may make on the question of the adoption, and when such adoption is acted upon by the clerk of the Superior Court, a copy of all records in the case shall be furnished to the clerk of the Domestic Relations Court, to be kept as a permanent record of such court.

(h) All cases wherein any person is charged with receiving stolen goods from any juvenile, knowing them to be stolen.

(i) All cases involving violation of the North Carolina School Attendance Law as set forth in Public Laws of North Carolina, one thousand nine hundred and nineteen, chapter one hundred, and Public Laws of North Carolina, one thousand nine hundred and twenty-three, chapter one hundred and thirty-six; and in Consolidated Statutes five thousand seven hundred and fifty-seven and five thousand seven hundred and seventy-four, inclusive; and such other laws relative to school attendance as may hereafter be enacted.

(j) In either case where either parent institutes a divorce action when there is a minor child or children, it shall be the duty of the clerk of the Superior Court to refer the case for investigation as to the child, or children, to the Domestic Relations Court, and the Judge of the Domestic Relations Court shall make his recommendations to the judge of the Superior Court as to the disposition of the child, or children, for the consideration of the judge of the Superior Court in disposing of the custody of the said child or children.

SEC. 4. That it shall be the duty of the Board of Commissioners of any county and the governing board of any city, in which a joint Court of Domestic Relations is established, as hereinbefore provided, or of the governing authorities of any city or county in which an independent Domestic Relations Court shall be established, as hereinbefore provided, acting jointly, in the first instance, or independently, in the second instance, to elect a judge of the Domestic Relations Court and to fix his salary and provide for the payment of same, his term of office to run from the time of his election to the second Monday in July in each odd numbered year and until his successor shall have been elected and qualified. The regular term of office shall be for a term of two years and until his successor is elected and qualified. If any vacancy should occur in said office during the two years' term, for any cause, it shall be filled for the unexpired term in the same manner and by the same bodies as provided for the election of said judge.

It shall be the duty of the judge of the Domestic Relations Court to appoint a clerk for said court, the salary of said clerk to be fixed, provided for, and paid by the Board of County Commissioners of any of such counties and the governing board of any of such cities, acting jointly, or independently, when a joint county and city court is not established.

And the officers of the juvenile court of any of such cities and of any of such counties, as now constituted by law may be declared to be officers of the Domestic Relations Court.

The probation officers of the Domestic Relations Court and their method of appointment shall be the same as now provided for in Consolidated Statutes, five thousand forty-nine, for probation officers of the juvenile court. The salaries of said probation officers, and the necessary equipment for the proper maintenance and functioning of said court, shall be a charge upon such county and such city jointly, or upon the county or city, if it is an independent court.

SEC. 5. That it shall be the duty of all officers of the counties and of the cities to assist the Domestic Relations Court in any and all ways in the line of their official duty as fully and to the same extent and in the same manner as they heretofore have been authorized and required to do in the case of all other courts.

SEC. 6. That the procedure, practice, and punishments imposed in the Domestic Relations Court as herein established shall be the same as now provided by law in courts now having original jurisdiction of the various offenses or causes hereinabove enumerated, and the judge of the said Domestic Relations Court is hereby granted the power to prescribe such rules and fix such modes of procedure, as, in his discretion, will best effect the purposes for which said court is created.

SEC. 7. That wherever in this act criminal jurisdiction is conferred upon the Domestic Relations Court there shall be the same right of appeal from this court as from recorder's court or other inferior criminal courts to the Superior Court, and the same rules and regulations of such appeals from inferior courts shall apply to appeals from this court, and in the Superior Court the trial shall be *de novo*. This provision shall apply also to the trials in bastardy cases.

SEC. 8. That all the offenses for the trial of which the Domestic Relations Court is given jurisdiction are hereby declared to be petty misdemeanors punishable as now prescribed by law. On the trial before such Domestic Relations Court, if a jury trial is demanded, the cause shall be therewith transferred for trial to some criminal term of the Superior Court of the counties in which the Domestic Relations Court is situated. The defendant or defendants shall be held under an adequate bond to secure his or their attendance at the criminal term of the Superior Court to which the record is transferred. If in the exercise of the jurisdiction hereinbefore conferred upon the Domestic Relations Court, it should appear that a felony has been committed, said court shall have jurisdiction and authority upon proper investigation to bind over the alleged felon in all cases in which probable cause is found, to the Superior Court of the county, under proper bond and recognizances.

SEC. 9. All cases pending in the juvenile court of the county or city at the time that the organization of any Domestic Relations Court within said county or city, shall be transferred to the Domestic Relations Court for final adjudication.

SEC. 10. That the sections of this act and every part thereof are severable one from the others, and the holding of any section thereof to be invalid or void shall not affect any other section or part thereof: *Provided*, that this act shall not apply to the counties of Buncombe, Guilford, Durham, Wake, Gaston, New Hanover, Pitt, Wayne, Nash and Edgecombe. (As amended by Chapter 221, Public Laws 1931.)

CRIPPLED CHILDREN—NORTH CAROLINA ORTHOPEDIC HOSPITAL

Crippled and deformed children of sound mind, under sixteen years of age, may be admitted to the orthopedic hospital. Arrangements for the examination and treatment, outside the institution, of older children and adults may be arranged by appointment with the surgeon-in-chief. Clinics for outside patients are held every Tuesday afternoon at two o'clock. In the case of children admitted to the hospital, the parents, or guardian, are expected to bear the expense of treatment, or such part of it as they are able. No child is turned away because its parents are unable to pay. The institution, in no case, pays for transportation, or for braces in cases where these are necessary. Application for admission to the hospital should be made on blanks furnished by the institution.

CUSTODY AS BETWEEN PARENTS

C. S. 2241. **Custody as between parents in certain cases; modification of order.** When a contest shall arise on a writ of habeas corpus between any husband and wife, who are living in a state of separation, without being divorced, in respect to the custody of their children, the court or judge, on the return of such writ, may award the charge of custody of the child or children so brought before it either to the husband or to the wife, for such time, under such regulations and restrictions, and with such provisions and directions as will, in the opinion of such court or judge, best promote the interest and welfare of the children. At any time after the making of such orders the court or judge may, on good cause shown, annul, vary or modify the same: *Provided*, that where the father is a non-resident of North Carolina and the custody of the child has been awarded, by an order of a court of this State, to the mother, who is a resident of North Carolina, no motion on the part of such non-resident father may be heard or entertained by the court for a modification of the order of the court, unless such father has first shown under oath that, since the making of the original order, he has regularly contributed to the support of said child according to his means and according to the needs of the child, and if said motion is heard and at said hearing such fact is not established to the satisfaction of the court, the motion for a modification of the order shall be denied, unless the court shall find that, at the time of said hearing the mother is not a fit and proper person to have the custody of said child. Provided, that this act shall only apply after the case has been reopened on time. (As amended by Chapter 270, Public Laws 1929.)

REGULATIONS FOR HEALTH OF CHILDREN

(NOTE: The following is a summary of a group of laws relating to health of children.)

Births and deaths must be registered, and North Carolina is now in the Federal Registration Area.

Every midwife or practicing physician must immediately instill into the eyes of the new-born babe a solution furnished by the State Board of Health to prevent blindness. And any unnatural condition of the eyes of a child under two weeks old must be immediately reported to proper medical authorities.

Control of all infectious or contagious diseases is in the hands of the State Board of Health. Vaccination against smallpox and other contagious diseases may be required for all school children by local board of health.

It is unlawful to sell or give cigarettes, or tobacco for cigarettes, to any child under seventeen, and every police officer is specially charged with seeing that this act is enforced.

The State Board of Health and the State Superintendent of Public Instruction are charged with the duty of seeing that every child attending public school in the State shall have a physical examination at least once in three years.

While all matters pertaining to health are under the direct supervision of the State and local departments of health, the whole question of health is so closely related to welfare that there must be the closest co-operation between local officials of the two departments. Occasionally, as in cases of neglect, a case becomes primarily a problem of welfare.

ILLEGITIMACY

C. S. 265. **Justices have jurisdiction; when warrant issued.** Justices of the peace of the several counties have exclusive original jurisdiction to issue, try and determine all proceedings in cases of bastardy in their respective counties. A warrant in bastardy shall be issued only upon the voluntary affidavit and complaint of the mother of the bastard; or, upon the affidavit of one of the county commissioners, setting forth the fact that the bastard is likely to become a county charge.

C. S. 266. **Complaint as to bastard by county commissioner.** When complaint is made on affidavit by a county commissioner to a justice of the peace of the county in which the woman resides, that any single woman within his county is big with child, or delivered of a child, the justice may cause her to be brought before him, or any other justice of the county, to be examined upon oath respecting the father. If she refuses to declare the father, she shall pay a fine of five dollars and give bond, payable to the State, with sufficient surety to keep such child from being chargeable to the county; otherwise, she shall be committed to prison until she shall declare the same, or pay the fine aforesaid and give such bond.

C. S. 267. **Woman declaring father; issue of paternity; appeal.** If any woman, upon oath, accuses any man of being the father of her bastard child, the justice before whom such oath is made shall cause him to be brought before some justice of the peace of such county to answer the charge. If he denies, upon oath, that he is the father of such child, the justice shall proceed to try the issue of paternity, and if it is found that he is the father of the child, or if he does not deny upon oath, that he is the father of the child, then he shall stand charged with the maintenance thereof, as the court may order, and shall give bond, with sufficient surety, payable to the State, to perform said order, and to indemnify the county where such child is born from charges for his maintenance, and may be committed to prison until he finds surety for the same, and shall be liable for the costs of the issue or proceeding. From this judgment and finding the affiant, the woman or the defendant may appeal to the next term of the Superior Court of the county, where the trial is to be had *de novo*.

C. C. 268. **Judgment on appeal to Superior Court against putative father.** If the jury at the term finds that the person accused is the father of the child, then the judge shall make the order for the maintenance and for costs of proceedings, and shall take bond from the defendant and his sureties for the maintenance of the child and to indemnify the county and pay the costs; and, in default thereof, may imprison the defendant.

C. S. 269. **Woman's examination presumptive evidence.** Upon the trial of the issue of paternity, whether before the justice or at term, the examination of the woman taken and returned shall be presumptive evidence against the person accused, subject to be rebutted by other evidence which may be introduced by the defendant.

C. S. 270. **Upon appeal parties and witnesses recognized.** When an appeal is taken the justice shall recognize the person accused of being the father of the child with sufficient surety for his appearance at the next term of the Superior Court for the county, and to abide by and perform the order of the court. The justice shall also recognize the woman and other witnesses to appear at the Superior Court, and shall return to the

court the original papers in the proceeding, and a transcript of his proceedings as required in other cases of appeal. If the putative father fails to appear, unless for good cause shown, the judge shall direct the issue of paternity to be tried. If the issue is found against the person accused, he shall order a *capias* or attachment to be issued for the father, and may also enter up judgment against the father and his surety on his recognizance.

C. S. 271. **Putative father out of county.** If the putative father escapes or is in any other county than that of the justice issuing the warrant, it shall be issued, indorsed, executed and returned as provided for warrants in criminal actions.

C. S. 272. **Continuance till birth of child.** When the judge or justice, as the case may be, trying the issue of paternity, deems it proper, he may continue the case until the woman is delivered of the child. When a continuance is granted, the court shall recognize the person accused of being the father of the child with surety for his appearance either at the next term of the court or at a time to be fixed by the justice granting the continuance, which shall be after the delivery of the woman.

C. S. 273. **Allowance and bond.** When the issue of paternity is found against the putative father, or when he admits the paternity, the judge or justice shall make an allowance to the woman not exceeding the sum of two hundred dollars, to be paid in such installments as the judge or justice shall see fit, and he shall give bond to indemnify the county as prescribed by law; and in default of such payments he shall be committed to prison.

C. S. 274. **Action barred in three years after birth.** All examinations upon oath to charge any man with being the father of a bastard child shall be taken within three years next after the birth of the child, and not after.

C. S. 275. **Execution for maintenance.** When the judge or justice charges the father of a bastard child with its maintenance and the father neglects to pay the same, then the judge or justice, upon application of the party aggrieved, notice being served on the defendant at least ten days before the return day stated in the notice, or such notice being returned by the sheriff or constable that the defendant is not to be found, may order an execution against the property of the father for such sum as the court shall adjudge sufficient for the maintenance of the bastard child.

C. S. 276. **Putative father when committed or apprenticed.** In all cases arising under this chapter, when the putative father is charged with costs or the payment of money for the support of a bastard child, and he is, by law, subject to be committed to prison in default of paying the same, it is competent for the court to sentence him to the house of correction for such time not exceeding twelve months, as the court may deem proper. The putative father, at his discretion, instead of being committed to prison or to the house of correction, may bind himself as an apprentice to any person whom he may select, for such time and at such price as the court may direct. The binding shall be by indenture in open court, and the price obtained shall be paid to the county treasurer. On the indenture being signed by the judge of the court and by the master receiving such apprentice, the person thus bound shall be treated and regarded as an apprentice in all matters except education.

C. S. 277. **Legitimation of bastards.** The putative father of any illegitimate child may apply by petition in writing to the Superior Court of

the county in which he resides, praying that such child may be declared legitimate; and if it appears that the petitioner is reputed the father of the child, the court may thereupon declare and pronounce the child legitimated; and the clerk shall record the decree.

C. S. 278. **Effects of legitimation.** The effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child to inherit from the father only his real estate, and also to entitle such child to the personal estate of his father, in the same manner as if he had been born in lawful wedlock. In case of death and intestacy, the real and personal estate of such child shall be transmitted and distributed according to the statute of descents and distribution among those who would be his heirs and next of kin in case he had been born in lawful wedlock.

C. S. 279. **Legitimation by subsequent marriage.** When the mother of any bastard child and the reputed father of such child shall intermarry or shall have intermarried at any time after the birth of such child, the child shall in all respects, after such intermarriage, be deemed and held to be legitimate and entitled to all the rights in and to the estate, real and personal, of its father and mother that it would have had had it been born in lawful wedlock.

Supreme Court decisions—*Bastardy is a civil action, in the nature of police regulations: State v. Currie*, 161-275. *The intention of proceedings in bastardy is to secure to the mother her probable expense or to reimburse her actual outlay, even though the child die at birth: State v. Addington*, 143-683; *and if the child live, to indemnify the county against loss: State v. Brown*, 46-130. *Resemblance of child and accused competent evidence: State v. Horton*, 100-443.

See Biennial Report of Attorney General—1924-1926—*Pages* 282, 283.

INCEST

C. S. 4337. **Incest between certain near relatives.** In all cases of carnal intercourse between grandparent and grandchild, parent and child, and brother and sister of the half or whole blood, the parties shall be guilty of a felony, and shall be punished for every such offense by imprisonment in the State's Prison for a term not exceeding fifteen years, in the discretion of the court.

INSTITUTIONS FOR CHILDREN

C. S. 5063. **Institution has authority of parent or guardian.** Every indigent child which may be placed in any orphanage, children's home, or child-placing institution in this State, which shall be an institution existing under and by virtue of the laws of this State, shall be under the control of the authorities of such institution so long as, under the rules and regulations of such institution, the child is entitled to remain in the same. The authority of the institution shall be the same as that of a parent or guardian before the child was placed in the institution; but such authority shall extend only to the person of the child.

C. S. 5064. **Regulations of institution not abrogated.** Nothing in this article shall be construed in any way to abrogate any of the rules and

regulations of such institutions in so far as the rules and regulations have for their purpose the welfare and protection of the institutions.

C. S. 5065. **Enticing a child from institution.** It is unlawful for any person to entice or attempt to entice, persuade, harbor, or conceal, or in any manner induce any indigent child to leave any of the institutions hereinbefore mentioned without the knowledge or consent of the authorities of such institutions. But this article shall not interfere with a mother's right to her child in case she becomes able to sustain her child; and the county commissioners in the county in which she resides shall, in case of doubt, have authority to recommend to the institution concerning the child.

C. C. 5066. **Violation a misdemeanor.** Any person violating any of the provisions of the three preceding sections shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

C. S. 5067. **Institution for care of children must have license.** It shall be unlawful for any person, institution, or organization for the purpose of caring for or placing children to carry on such work or business without having in full force a written license therefor from the State Board of Charities and Public Welfare.

C. S. 5604. **Children in orphanages permitted to attend public schools; expenses.** Children living in and cared for and supported by any institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of said district in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of said district, and the extra expenses of teaching said children for six months in the public school or schools of said district may be borne as follows:

Three-fourths of the extra expense for a term of six months of every year, as a result of the attendance of said children, may be paid out of the State equalizing fund and one-fourth out of the county fund, unless otherwise provided.

Provided further, that the provisions of this section shall be permissive only, and shall not be mandatory.

County and District Orphanages

C. S. 1297. **Powers of board.** The boards of commissioners of the several counties have power—

(29) **To establish public hospitals and tuberculosis dispensaries.** To establish public hospitals, establish and maintain homes for indigent orphan children, for the county in cases of necessity, and to establish and maintain wholly or in part one or more tuberculosis dispensaries or sanatoria, and to make rules, regulations and by-laws for preventing the spread of contagious and infectious diseases, and for taking care of those afflicted thereby, the same not being inconsistent with the laws of the State; and to raise by taxation the necessary moneys to defray the charges and expenses so incurred.

(43) To provide for the establishment and maintenance, with the approval of the State Board of Charities and Public Welfare, of such home or homes for indigent and delinquent children in said county, as to them may

seem proper or necessary, or to co-operate with the board of county commissioners or other governing authority in any other county or counties in the establishment and maintenance, at some mutually agreeable point, of a district home for such purposes, said district to be established upon agreement and said home to be established and maintained upon such terms as may be agreed upon by the boards of county commissioners of the several counties concerned.

PUBLIC LAWS 1927, CHAPTER 162. **Organization and Control of the Colored Orphanage of North Carolina.**

SEC. 1. That the corporation created by chapter forty-seven, Private laws of one thousand eight hundred and eighty-seven, be, and it is hereby, continued as a body corporate for a period of sixty years from the date of the ratification of this act under the name and style of "The Colored Orphanage of North Carolina." The said corporation shall have power to receive, purchase, and hold property, real and personal, not to exceed in value one million dollars, to sue and be sued, to plead and to be impleaded, to receive gifts, donations and appropriations, to contract and be contracted with, and to do all other acts usual and necessary in the conduct of such corporation, and to carry out the intent and purposes thereof under and as subscribed by the laws of North Carolina.

SEC. 2. That M. F. Thornton, Reverend M. C. Ransom, J. W. Levy, J. C. Jeffreys, J. E. Shepard, N. A. Cheek, and Alex Peace and Reverend G. C. Shaw are hereby named and appointed as members of the Board of Directors of said "The Colored Orphanage of North Carolina." The Governor of North Carolina shall appoint five white citizens of Granville County as members of said Board of Directors, and the thirteen so named shall constitute the Board of Directors of said corporation. Said Board of Directors shall organize by the election of a president and secretary, shall make all necessary by-laws and regulations for the convenient and efficient management and control of the affairs of said corporation, including the method by which successors to the directors herein named shall be chosen.

SEC. 3. That the five members of said Board of Directors to be appointed by the Governor shall also serve as a Board of Trustees of said "The Colored Orphanage of North Carolina." The said Board of Trustees so appointed shall serve for a term of four years and until their successors are chosen. All appropriations made by the General Assembly to the said "The Colored Orphanage of North Carolina" shall be under the control of the Board of Trustees, and said appropriations shall be expended under their supervision and direction. The Board of Trustees shall select one of their members as a treasurer of the fund appropriated to the institution by the General Assembly, and also not more than two persons to act as a board to audit the expenditure of such appropriations. The treasurer shall receive a salary of one hundred dollars per year for his services and members of the Board of Audit a salary not to exceed one hundred and fifty dollars per year. The treasurer shall give a bond payable to the State of North Carolina in a surety company in such sum as the Board of Trustees may require, the annual premium to be paid out of the funds of the said orphanage.

SEC. 4. That the said corporation shall receive, train and care for such colored orphan children of the State of North Carolina as under the rules and regulations of said corporation may be deemed practical and expedient, and impart to them such mental, moral and industrial education as may fit them for usefulness in life.

SEC. 5. That the said corporation shall have power to secure the control of such orphans by the written consent of those nearest akin to them or of those having control of such orphans and shall receive such others as may be committed to its care under the appropriate laws of the State; and it shall be unlawful for any person or persons to interfere in any way with said corporation in the management of such orphans after they shall have been entered and received by it. The Board of Directors shall make all necessary rules and regulations for the reception and discharge of children from said orphanage.

CASWELL TRAINING SCHOOL

C. S. 5895. **Objects of the school.** The purpose and aim of the Caswell Training School is to segregate, care for, train, and educate, as their mentality will permit, the State's mental defectives; to disseminate knowledge concerning the extent, nature, and menace of mental deficiency; to suggest and initiate methods for its control, reduction, and ultimate eradication from our people; and to maintain an extension bureau for instructing the public in the care of the mental defectives who remain in their homes and for the after-care of discharged inmates of the institution; and to create and maintain a psychological clinic for the study and observation of mental defectives charged with crime, and to give expert advice in all cases of mental defect.

C. S. 5898. **Persons admitted; county commissioners to approve.** There shall be received into the Caswell Training School, subject to such rules and regulations as the board of directors may adopt, feeble-minded and mentally defective persons of any age when in the judgment of the officer of public welfare and the board of directors of said institution, it is deemed advisable. All applications for admission must be approved by the local county welfare officer and the judge of the juvenile court or the clerk of the court of the county wherein said applicant resides.

NOTE.—See C. S. 6175, on Page 80.

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL

C. S. 7314. **Purpose of the school.** The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent children of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal children under the age of sixteen years as may be sent or committed thereto under any order of commitment by the judges of the Superior Courts, the judges of the juvenile courts, or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with this section are hereby repealed.

C. S. 7320. **Powers of superintendent.** The superintendent employed by the board is authorized to require obedience from all inmates of the school, and is intrusted with the authority for correcting and punishing any inmate thereof to the same extent as a parent may under the law impose upon his own child, and the trustees shall have the right at any time to discharge the superintendent for cause.

C. S. 7322. **Courts may commit offenders to reformatory.** The judges of the Superior Courts, recorders, or other presiding officers of the city or criminal courts of the State, shall have authority, and it shall be their duty, to sentence to the school all persons under the age of sixteen years convicted in any court of this State of any violation of the criminal laws: *Provided*, that such judge or other of said officers shall be of the opinion that it would be best for such person, and the community in which he may be convicted, that he should be so sentenced. Any commitment under this article, whether by judge or court, as hereinbefore provided, shall be full, sufficient, and competent authority to the officers and agents of the school for the detention and keeping therein of the child so committed.

C. S. 7323. **Governor may transfer prisoners to reformatory.** The Governor of the State may by order transfer any person under the age of sixteen years from any jail, chain gang, or penitentiary in this State to such reformatory.

C. S. 7328(a). **Trustees to receive gifts for cottages.** The board of trustees of the Stonewall Jackson training school are hereby empowered to receive specific gifts from individuals or other sources for the exclusive purpose of erecting and equipping cottages on the grounds of the institution under such rules and regulations as may be fixed by the said board of trustees.

C. S. 7328(b). **Boys from counties making gifts; designation of cottage.** When such gifts, sufficient to erect or to erect and equip a cottage sufficient to accommodate thirty boys, are received from individuals or other sources from any given county of the State, the trustees of the Stonewall Jackson training school may enter into an obligation to receive and maintain in the institution only according to their fixed rules and regulations for entrance, maintenance and discharge, a number of boys from the said county equal to the number which may be accommodated in such building. Such cottage may be designated_____county cottage.

EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS

C. S. 7362(c). **Establishment and operation of school. Boys subject to committal. Control. Term of detention.** The trustees are empowered to establish and operate a school for the training and moral and industrial development of the criminally delinquent white boys of the State; and when such school has been organized the trustees may, in their discretion, receive therein such delinquent and criminal boys under the age of eighteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts, the judges of the juvenile courts or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by the trustees. All laws and clauses of laws in conflict with the provisions of this section are hereby repealed.

C. S. 7362(h). **Enforcement of discipline; discharge of superintendent.** The superintendent employed by the board is authorized to require obedience from all the inmates of the school, and is entrusted with the authority for correcting and punishing any inmate thereof to the same extent as

a parent may under the law impose upon his own child; and the trustees shall have the right at any time to discharge the superintendent for cause.

C. S. 7362 (i). Repealed. Chapter 213 Public Laws 1931.

C. S. 7362(j). **Transfer by order of Governor.** The Governor of the State may by order transfer any boy under the age of eighteen years from any jail, chaingang or penitentiary in this State to such school.

C. S. 7362(l). **Boys to be received; subjects of instruction.** The officers of the school shall receive and take into it all boys committed thereto by competent authority, or received therein as aforesaid, and shall cause all such boys in the school to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities. The boys shall be taught such useful trades and given such manual training as the board may direct, and shall perform such manual labor as the principal or other superintending officers subject to the direction of the board, may order. All the inmates shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and to be industrious.

C. S. 7362(n). **Certificate for removal from school; order of removal.** If it shall appear to the board of trustees that any inmate of the school is or becomes ungovernable and is exerting an unwholesome influence over any other inmate, it shall be their duty to certify the same to the Governor of the State, and he may order such inmate to the State prison or the jail or chain-gang in the county in which such inmate was convicted, where such person shall serve out his unexpired term.

STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS (SAMARCAND MANOR)

C. S. 7334. **Persons committed to the reformatory; time of detention.** Any girl or woman who may come or be brought before any court of the State, and may either have confessed herself guilty or have been convicted of being a habitual drunkard, or being a prostitute, or of frequenting disorderly houses or houses of prostitution, or of vagrancy, or of any other misdemeanor, may be committed by such court for confinement in the institution aforesaid: *Provided*, such person is not insane or mentally or physically incapable of being substantially benefitted by the discipline of such institution: and *Provided further*, that before sentencing such person to confinement in the institution the court shall ascertain whether the institution is in position to care for such person; and it shall be at all times within the discretion of the board of directors as to whether the board will receive any person in the institution. No commitment shall be for any definite term, but any person so committed may be paroled or discharged at any time after her commitment by the board of managers, but no inmate shall in any case be detained longer than three years: *Provided*, that when any girl under twenty-one years of age shall have been committed to the institution the trustees shall have the sole right and authority to keep, restrain and control her until she is twenty-one years old or until such time as they shall deem proper for her discharge, under such proper and humane rules and regulations as may be adopted by the trustees. When any such person shall come before any court for the purpose of confessing guilt or for trial, the court shall, as far as feasible

and as far as consistent with public policy, give a private hearing, and in all respects avoid unnecessary publicity in connection with the proceedings before the court.

NOTE.—It is the policy of Samarcand to give preference to young girls. The older, confirmed prostitutes are not admitted.

C. S. 7335. **Delivery of inmates to institution; expenses.** It shall be the duty of the county authorities of the county from which any girl or woman is sent to the home, or the city authorities, if the girl or woman is ordered to be sent to the home by any city court, to see that such girl or woman is safely and duly delivered to the home, and to pay all the expenses incident to her conveyance and delivery to the home.

C. S. 7336. **Voluntary application for admission; care of children.** In addition to caring for such persons as may be committed to the institution by order of the court, the board of managers may, in their discretion, receive into the institution any such person who may have in writing confessed herself guilty of any offense or any wayward conduct and may in writing express her desire to become an inmate of the institution; but the board shall not admit any such person unless upon examination of such person, freely and voluntarily held under the direction of the board, the board shall conclude that confinement in the institution will probably aid in the reformation of such person. Any person becoming an inmate of the institution under the provisions of this section shall be subject to the same rules and regulations as those who have been committed by order of court, and shall be detained for such time as the board, in its judgment, may deem best, not exceeding, however, the term of three years. And it shall further be the duty of the board of managers to make suitable provisions for the care and maintenance of children born in the institution, and also of the infant children that any woman may have when she is committed to the institution.

C. S. 7337. **Law as to juvenile delinquents applied.** The provisions of the chapter pertaining to the reclamation and training of juvenile delinquents shall apply to young girls, and any court before whom a young girl is brought pursuant to the provisions of said chapter may be by order of court placed in the institution herein established, and shall be subject to all provisions of law relating thereto: *Provided*, however, that no girl shall be admitted to the institution under this provision without the previous consent of the board of managers.

See Biennial Report of Attorney General—1923-1924—*Page* 236.

C. S. 7338. **Discharge on parole; arrest for escape or violation of parole.** The board of managers may conditionally discharge any person at any time, and if any such person shall violate any condition of her parole or shall violate any condition upon which she has been discharged, or if any inmate escape from the institution, the board of managers may cause any such person to be rearrested and returned to the institution and be detained therein for the unexpired portion of her term, dating from the time of her parole, conditional discharge, or escape. The board of managers is empowered to issue to any person designated by the board a commitment signed by the president and attested by the secretary, and having attached thereto the common seal of the corporation, by the terms of which commitment such person may be authorized and empowered to apprehend any such person who may have violated her parole or any condition of her discharge or that may have escaped, and carry such person

back to the institution. Such commitment shall briefly state the reason for the issuance of the same, and the person designated to execute the same may execute it in any county of the State.

See Biennial Report of Attorney General—1923-1924—*Page* 238.

C. S. 7343(a). **Unlawful acts of inmates and other; escape; prostitution, etc.** It shall be unlawful:

(a) For any inmate of the State home and industrial school for girls and women to escape from said school, or for any person to aid and abet any inmate to escape therefrom:

(b) For any person to advise, or solicit, or to offer to advise, or solicit, any inmate of said school to escape therefrom;

(c) For any person to transport, or to offer to transport, in automobile, or other vehicle or conveyance, any inmate of said school to or from any place: *Provided*, this shall not apply to the superintendent and teachers of said school, or to employees acting under the superintendent of said school;

(d) For any person to engage in, or to offer to engage in prostitution with any inmate of said school;

(e) For any person to receive, or to offer to receive any inmate of said school into any place, structure, building or conveyance for the purpose of prostitution, or to solicit any inmate of said school to engage in prositution;

(f) For any person to conceal an escaped inmate of said school, or to furnish clothing to an escaped inmate thereof to enable her to conceal her identity.

C. S. 7343(b). **"Inmate" and "prostitution" defined.** The term "inmate" as used in section 7343(a) shall be construed to include any and all girls and women committed to, or received into said State home and industrial school for girls and women under the provisions of this article; and the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse.

C. S. 7343(c). **Punishment for violation of section 7343(a).** Any person who shall knowingly and wilfully violate any one of the provisions of section 7343(a) shall be guilty of a misdemeanor, shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.

MORRISON TRAINING SCHOOL FOR NEGRO BOYS

C. S. 5912(c). **Trustees to meet and organize; location of school; powers of trustees; board of parole.** Immediately upon receiving notice of their appointment as trustees, the persons so designated shall meet and organize by electing from their number a chairman, and one as secretary, or the latter two offices may be combined. They shall thereupon undertake as expeditiously as possible the business of selecting a location and preparing for the opening and maintenance of the State Training School for Negro Boys. The board shall have power to appoint and dismiss at will a superintendent and other employees, to make such rules for its own meetings and guidance as it deems necessary; have the general superintendence, management, and control of the institution; of the grounds and buildings, officers and employees thereof; of the inmates therein, and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to

them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board of managers shall constitute a board of parole of the institution, and shall have power to parole and discharge the inmates under such rules and regulations as the board may prescribe, and to retake them upon failure to comply with any requirement of parole.

C. S. 5912(d). **Delinquents committed to institution; cost; age limit.** Delinquent negro boys, under the age of sixteen years, may be committed to the institution by any juvenile, State, or other court having jurisdiction over such boy, but no boy shall be sent to the institution until the committee agency has received notice from the superintendent that such person can be received. The cost of sending inmates shall be paid by the county or municipality sending the same, as the case may be. In special cases where the public good would seem to be subserved thereby the board shall have the right, upon the request of any court of proper jurisdiction, to receive an inmate above the age of sixteen, but this shall be a matter wholly within the discretion of the board. When any commitment to the institution is made, it shall not be for any specified time, but may continue or terminate at the discretion of the board, not to exceed the age of majority of the inmate.

C. S. 5912(f). **Apportionment of admissions; private or municipal contributions.** In receiving inmates of the institution, the trustees shall distribute such admissions as near as may be in relation to the negro population of the several counties until all the maintenance appropriation from the State is exhausted. If after such maintenance fund is exhausted, it be found possible to provide housing space and control for additional inmates, then the trustees may receive such additional number of inmates as can be cared for upon the payment by private persons or municipal or county authorities of the actual cost of the maintenance of such inmates. County and municipal authorities are hereby given authority to pay such sums in their discretion.

INTERSTATE TRANSFER OF CHILDREN

PUBLIC LAWS 1931. CHAPTER 226. **Placement of Children in North Carolina from without the State Regulated.**

SECTION 1. No person, agency, association, institution or corporation shall bring or send into the State any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the State Board of Charities and Public Welfare. Such person, agency, association or corporation shall conform to the rules of the board and shall enter into a written agreement with the board to remove such child from the State, when requested so to do by the said board; that it will place the child under written contract approved by the board; that the person with whom the child is placed shall be responsible for his proper care and training; that the board and its agents shall have the same right of visitation and supervision of the child and the home in which it is placed as in the case of a child placed out by the board and its agents. Before the child shall be brought or sent into the State for the purpose of placing him in a home, the person, agency, association, institution or corporation so bringing or sending such child shall first notify the State Board of its intention, shall certify to the State Board that such child

does not have a contagious or incurable disease, is not deformed, feeble minded or of vicious character, and shall obtain from the State Board a certificate stating such home is, in the opinion of the said board a suitable home for the child. The person, agency, association, institution or corporation bringing or sending the child into the State shall report once a year or when the child is placed in another home, or at such other times as the board may direct as to the location and well being of the child, so long as he shall remain within the State and until he shall have reached the age of 18 years or shall have been legally adopted.

SEC. 2. No child shall be brought into the State under section one of this act until a justifiable and continuous bond not to exceed one thousand dollars ($1,000.00) be furnished and maintained by the said person, agency, association, institution or corporation for the proper fulfillment of the requirements of section one. Said bond shall be made in favor of and filed with the State Board of Charities and Public Welfare with the premium prepaid by the said person, agency, association, institution or corporation desiring to place such child in the State.

SEC. 3. No child shall be taken out of the State for the purpose of placing him in a home, otherwise than by a parent, grandparent, or guardian unless the person, agency, association, institution or corporation so taking or sending him shall give the State Board of Charities and Public Welfare notice of its intention and furnish such information as the board may require. Such person, agency, association, institution, or corporation shall place the child under written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training and thereafter shall report to the board once a year and at such other times as the board may direct as to the location and well being of such child until he shall have reached the age of 18 years or shall have been legally adopted.

SEC. 4. No person, agency, association, institution or corporation shall accept for the purpose of placing him out or procuring his adoption any child either legitimate or illegitimate born in this State of parents who have not established legal settlement in the State without first obtaining the written consent of the State Board of Charities and Public Welfare.

SEC. 5. No juvenile delinquent or dependent coming from without the State of North Carolina can acquire a settlement in this State so as to constitute him or her a charge of the State unless such juvenile delinquent or dependent has been continuously in the State of North Carolina for a period of three years.

SEC. 6. No individual, agency, voluntary association or corporation seeking to establish and carry on any kind of organization for the purpose of caring for dependent, neglected, abandoned, destitute, orphaned or delinquent child or children separated temporarily from their parents in this State shall be permitted to organize and carry on such work without first having secured a written permit from the State Board of Charities and Public Welfare. Said board shall issue such permit recommending such organization only after the said board shall have made due investigation of the purpose, character, nature, methods, and assets of the proposed organization.

SEC. 7. Every person acting for himself or for an agency who violates any of the provisions of this act or who shall intentionally make any false statements to the State Board of Charities and Public Welfare shall, upon conviction thereof, be guilty of a misdemeanor and punished by a fine of

not more than two hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

SEC. 8. The term board wherever used in this act shall be construed to mean the State Board of Charities and Public Welfare. The terms "he" and "his" and "him" wherever used in this act shall apply to a female as well as a male child.

KIDNAPPING

C. S. 4221. **Punishment for kidnapping.** If any person shall forcibly or fraudulently kidnap any person, he shall be guilty of a felony, and upon conviction may be punished in the discretion of the court, not exceeding twenty years in the State's Prison.

C. S. 4222. **Enticing minors out of the State for purposes of employment.** If any person shall employ and carry beyond the limits of this State any minor, or shall induce any minor to go beyond the limits of this State, for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars and not more than one thousand dollars for each offense. The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be *prima facie* evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor.

C. S. 4223. **Abduction of children.** If anyone shall abduct or by any means induce any child under the age of fourteen years, who shall reside with its father, mother, uncle, aunt, brother, or elder sister, or shall reside at a school, or be an orphan and reside with a guardian, to leave such person or school, he shall be guilty of a felony, and on conviction shall be fined or imprisoned in the State's Prison for a period not exceeding fifteen years.

C. S. 4224. **Conspiring to abduct children.** If anyone shall conspire to abduct, or by any means to induce any child under the age of fourteen years, who shall reside with any of the persons designated in the preceding section, or shall reside at school, to leave such persons or the school, he shall be guilty of a felony, and on conviction shall be punished as prescribed in the preceding section: *Provided*, that no one who may be a nearer blood relation to the child than the persons named in the preceding section shall be indicted for either of said offenses.

MOTHERS' AID

C. S. 5067(a). **Allowance by counties authorized.** The boards of county commissioners of the several counties of the State are authorized, in their discretion, to make an allowance to any eligible mother (as hereinafter explained and defined), for her support, where she is left with a child or children under fourteen years of age under the conditions hereinafter set forth.

C. S. 5067(b). **Determination of amount; recommendation.** The county board of charities and public welfare of any county, after investigation by the county superintendent of welfare, may determine what amount within

the provisions of this article is advisable for the care of a child or children, and shall recommend to the board of county commissioners that an appropriation be made for the support of such mother and child or children under fourteen years of age.

C. S. 5067(c). **Maximum allowances; extraordinary circumstances.** The maximum amount to be allowed per month under this article shall not exceed fifteen dollars for one child, ten dollars additional for the second child, and five dollars additional for the third child, or any excess of three: *Provided*, the total amount shall not exceed forty dollars, except in extraordinary circumstances in which it appears to the satisfaction of the board of county commissioners that a total of forty dollars per month would be insufficient to secure the purposes above set forth.

See Biennial Report of Attorney General—1924-1926—*Page* 281.

C. S. 5067(d). **Eligibility; aid by relatives or charitable associations.** To be eligible to apply for mothers' aid a woman must be the mother of a child or children under fourteen years of age, a resident of the State of North Carolina for three years, and a resident of the county for one year preceding, and possessed of sufficient mental, moral and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted, if it be found impossible to require the husband to support her, or if the husband is found to be mentally or physically incapacitated to support his family, or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid: *Provided*, that if the mother is given partial aid or assistance by any relative or charitable organization, the board of county commissioners, in their discretion, may make allowance to such mother to help out the same where it may be necessary, in their opinion and judgment.

C. S. 5067(e). **Approval by juvenile court.** Any board of county commissioners, taking advantage of the provisions of this statute may require that the report of the investigation of the county superintendent of welfare in every case shall be presented to and approved by the judge of the juvenile court in that county before making an appropriation.

C. S. 5067(f). **Oversight of administration of law; reports of county superintendent; notice from State board to county.** The State board of charities and public welfare shall have general oversight of the administration of this article with the view to making it uniform throughout the State; shall furnish all necessary blanks and give such advice and help as it can in order to aid in efficiently securing its purpose. The county superintendent of public welfare shall make his report on any case to the board of county commissioners in duplicate, one copy of which shall be forwarded at once, with the action of the board of county commissioners endorsed thereon, to the State board of charities and public welfare and one filed by the board of county commissioners with its records in the case. The State board of charities and public welfare shall at once notify the board of county commissioners of its approval or disapproval for reimbursement as provided in 5067(h), and the said board may suggest additional requirements for the consideration of the board of county commissioners.

C. S. 5067(g). **Determination of monthly allowance; order for payment.** After investigation by the county welfare officer, when the board of county commissioners shall adjudge that a mother is entitled to aid under this article, said board of county commissioners shall determine the monthly amount that the board of county commissioners may allow, and order its treasurer in writing to pay said amount to the person designated by it, and continue the same monthly until the order be changed or the expiration of the time for which the order is limited.

C. S. 5067(k). **Statements furnished to State board; approval vouchers.** At the end of each fiscal quarter the treasurer of the county wherein aid has been granted shall furnish an itemized statement in each case of amounts paid, duly certified by him under oath, to the State board of charities and public welfare. If each case thereon shall have been approved by the State board of charities and public welfare and all required regulations of this article shall have been fulfilled, the State board of charities and public welfare shall certify the amount to the State treasurer, whereupon the State treasurer shall immediately make out and forward to such county treasurer his voucher for one-half of the total amount certified as having actually been paid out by the county. Such voucher shall be made out against any fund in the treasury not otherwise appropriated: *Provided*, that if the board of county commissioners of any county shall fail to enter into an agreement with the State, on or before the first Monday of June, 1925, or on or before the first Monday in June of any succeeding year, that they will meet the State apportionment for Mothers' Aid in such counties for the ensuing fiscal year, in accordance with the provisions of this act, then the amount apportioned to that county shall revert to the general Mothers' Aid Fund and be available for apportionment to the counties complying with the provisions of this act, on the basis of the population of these counties.

NOTE.—A certain amount of the Mothers' Aid fund was set aside by the General Assembly of 1931 to be used "for the care of dependent children in boarding homes or under the charge of foster mothers under such rules and regulations as shall be prescribed by the State Board of Charities and Public Welfare."

RAPE

C. S. 4204. **Punishment for rape.** Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted of unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death.

C. S. 4209. **Obtaining carnal knowledge of virtuous girls between twelve and sixteen years old.** If any male person shall carnally know or abuse any female child over twelve and under sixteen years of age, who has never before had sexual intercourse with any person, he shall be guilty of a felony, and shall be fined or imprisoned in the discretion of the court; and any female person who shall carnally know any male child under the age of sixteen years shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court: *Provided*, that if the offenders shall be married or shall thereafter marry, such marriage shall be a bar to further prosecution.

See Biennial Report of Attorney General—1924-1926—*Pages* 345, 346.

C. S. 4209(a). **Jurisdiction of court. Offenders classed as delinquents.** All persons charged with a violation of the preceding section under the

age of sixteen years shall be subject to the jurisdiction of the juvenile court and such other courts as may hereafter exercise such jurisdiction, and shall be classed as delinquents and not as felons: *Provided*, that where the offenders agree to marry, the consent of the parent shall not be necessary: *Provided further*, that any male person convicted of the violation of the preceding section who is under eighteen (18) years of age, shall be guilty of a misdemeanor only.

SEPARATING CHILD UNDER SIX MONTHS FROM MOTHER

C. S. 4445. **Separating child under six months from mother.** It shall be unlawful for any person to separate or aid in separating any child under six months old from its mother for the purpose of placing such child in a foster home or institution, or with the intent of removing it from the State for such purpose, unless the consent in writing for such separation shall have been obtained from the clerk of the Superior Court and county health officer of the county in which the mother resides, or of the county in which the child was born; and it shall be unlawful for any mother to surrender her child for such purpose without first having obtained such consent.

Any person violating this section shall, upon conviction, be fined not exceeding five hundred dollars or imprisoned for one year, or both, in the discretion of the court.

SPECIAL PROVISIONS REGARDING MINORS

C. S. 4442. **Permitting minors to enter barrooms, billiard rooms, and bowling alleys.** If the keeper or owner of any barroom, billiard room, or bowling alley shall allow any minor to enter or remain in such barroom, billiard room, or bowling alley, where before such minor enters or remains in such barroom, billiard room, or bowling alley, the owner or keeper thereof has been notified by the parents or guardian of such minor not to allow him to enter or remain in such barroom, billiard room, or bowling alley, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

C. S. 4438. **Selling cigarettes to minors.** If any person shall sell, give away, or otherwise dispose of, directly or indirectly, cigarettes, or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, to any minor under the age of seventeen years; or if any person shall aid, assist, or abet any other person in selling such articles to such minor, he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment in the discretion of the court.

C. S. 4439. **Aiding minors in procuring cigarettes; duty of police officers.** If any person shall aid or assist any minor child under seventeen years old in obtaining the possession of cigarettes, or tobacco in any form used as a substitute therefor, by whatsoever name it may be called, he shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

It shall be the duty of every police officer, upon knowledge or information that any minor under the age of seventeen years is or has been smoking any cigarette, to inquire of any such minor the name of the person who sold or gave him such cigarette, or the substance from which it was made, or who aided and abetted in effecting such gift or sale. Upon receiving this information from any such minor, the officer shall forthwith cause

a warrant to be issued for the person giving or selling, or aiding and abetting in the giving or selling of such cigarette or the substance out of which it was made, and have such person dealt with as the law directs. Any such minor who shall fail or refuse to give to any officer, upon inquiry, the name of the person selling or giving him such cigarette, or the substance out of which it was made, shall be guilty of a misdemeanor.

C. S. 4400. **Selling or giving weapons to minors.** If any person shall knowingly sell, offer for sale, give, or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane, or sling-shot, he shall be guilty of a misdemeanor.

C. S. 4441. **Permitting young children to use dangerous firearms.** Any person, being the parent or guardian of, or standing *in loco parentis* to, any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever, any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

C. S. 4443. **Exposing children to fire.** If any person shall leave any child of the age of seven years or less locked or otherwise confined in any dwelling, building, or enclosure, and go away from such dwelling, building, or enclosure without leaving some person of the age of discretion in charge of the same, so as to expose the child to danger by fire, the person so offending shall be guilty of a misdemeanor, and shall be punished at the discretion of the court.

C. S. 4506(a). **Operation of motor vehicle by person under sixteen years of age.** Any person who, being the owner or in charge of any motor vehicle authorizes or knowingly permits a person under the age of sixteen years to operate such motor vehicle along any public street or public highway in the State of North Carolina shall be guilty of a misdemeanor, and shall be punished by a fine not in excess of the sum of fifty dollars ($50). That the term "motor vehicle" as used in section one hereof shall be construed to mean those vehicles it is construed to mean in section two thousand five hundred and ninety-eight of the Consolidated Statutes.

C. S. 2598. **Terms defined.** The term and words "motor vehicles" used in this chapter shall be construed to mean all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons, engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

CONFEDERATE HOMES AND PENSIONS

CONFEDERATE SOLDIERS' HOME

C. S. 5127. **The soldiers' home association incorporated; powers.** The persons now composing and constituting the corporation, created by chapter sixty of the private laws of one thousand eight hundred and ninety-one, together with their successors, shall be and remain a body politic and corporate, under the name and style of The Soldiers' Home Association, and by that name may sue and be sued, purchase, hold and sell real and personal property and have all of the powers of a charitable corporation under the law, enabling them to establish, maintain, and govern a home for such deserving, needy Confederate soldiers as shall have served in any North Carolina command during the late war, or who shall have served in the Confederate army and shall be a bona fide citizen of the State. The corporation shall have power to buy, lease, or acquire real estate for the purposes of its incorporation, may solicit and receive donations in money or property, may invest its funds to constitute an endowment fund, and shall have a corporate existence of sixty years. It shall also have the power to solicit and receive donations for the purpose of aiding indigent Confederate soldiers at their homes in the various counties of North Carolina and shall have all powers necessary to this end.

CONFEDERATE WOMAN'S HOME

C. S. 5134. **The Confederate Woman's Home incorporated; powers.** (The persons named in this section not included here) together with their successors in office, are constituted a body politic and corporate under the name and style of Confederate Woman's Home Association, and by that name may sue and be sued, purchase, hold and sell real and personal property, and have all the powers and enjoy all the privileges of a charitable corporation under the law enabling them to establish, maintain, and govern a home for the deserving wives and widows of North Carolina Confederate soldiers and other worthy dependent women of the Confederacy who are bona fide residents of this State. The corporation may solicit and receive donations in money or property for the purposes of site on which to erect its buildings, to equip, furnish, and maintain it, or for any other purpose whatsoever, may invest its funds to constitute an endowment fund, and shall have a corporate existence for forty years. It shall also have the power to solicit and receive donations for the purpose of aiding indigent Confederate women at their homes in the various counties of the State, and shall have all powers necessary to this end.

PENSIONS

PENSION BOARDS

5168(a). State Board. Examination of applications. The Governor, Attorney-General, and Auditor shall be constituted a State Board of Pensions which shall examine each application for a pension, and for this purpose it may take other testimony than that sent up by the county boards. Such applications as are approved by the State Board shall be paid by the Treasurer upon the warrant of the Auditor.

5168(b). State Board to make rules. The State Board of Pensions is hereby empowered to prescribe rules and regulations for the more cer-

tainly carrying into effect this article according to its true intent and purpose.

5168(c). Auditor to transmit lists to clerks of Court. Publication of list. The Auditor shall, as soon as the same is ascertained, transmit to the clerks of the Superior Court of the several counties a correct list of the pensioners, with their postoffices, as allowed by the State Board of Pensions. The Auditor may have printed once in each year, but not oftener, a list of the pensioners on the pension roll.

5168(d). County board. The clerk of the Superior Court, together with three reputable ex-Confederate soldiers or sons of ex-Confederate soldiers, to be appointed by the State Auditor, shall constitute a county board of pensions for their county.

5168(e). Examination and classification by county board. Certificate of disability. All persons entitled to pensions under this article, not now drawing pensions, shall appear before the county board of pensions on or before the first Monday in July of each year, for examination and classification in compliance with the provisions of this article: Provided, that all such as are unable to attend shall present a certificate from a creditable physician, living and practicing medicine in the community in which the applicant resides, that the applicant is unable to attend.

5168(f). Annual revision of pension roll. On the first Monday of July of each year the pension board of each county shall revise and purge the pension roll of the county, first giving written notice of ten days to the pensioner who is alleged not to be rightfully on the State pension roll, to show cause why his name should not be stricken from the pension list, and the board shall meet another day to consider the subject of purging the list.

PERSONS ENTITLED TO PENSIONS; CLASSIFICATION AND AMOUNT

5168(g). Blind or maimed Confederate soldiers. All ex-Confederate soldiers and sailors who have become totally blind since the war, or who have lost their sight or both hands or feet, or one arm and one leg, in the Confederate service, shall receive from the public Treasurer four hundred twenty dollars ($420) a year.

5168(h). Helpless or demented widows of Confederate soldiers. Every widow of a Confederate soldier who married and was widowed prior to one thousand eight hundred and sixty-six and who has not remarried and who bore and raised legitimate child or children of the deceased Confederate soldier, and who has lost her mind, or become helpless, and is not confined in an asylum, or inmate of any charitable institution, shall receive the same pay and in the same manner as blind Confederate soldiers.

5168(i). List of blind and disabled soldiers to be sent to the Governor. Warrant issued by Auditor. The clerk of the Superior Court, shall, under his seal of office, certify to the Governor the names and the number of soldiers examined in his county who are blind and maimed, or who have become paralyzed and are totally disabled by reason thereof; upon such certificate the Auditor, with the approval of the Governor, is authorized to issue his warrant to the Treasurer to pay the sum of four hundred and twenty dollars ($420.00) annually for each blind and maimed person,

named in the certificate, and the clerk shall pay out such money monthly to the persons entitled to the same.

5168(j). Classification of pensions for soldiers and widows. There shall be paid out of the Treasury of the State, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his application for pension a bona fide resident of the State, and who is incapacitated for manual labor, and was a soldier or sailor in the service of the Confederate States of America during the War Between the States, and to the widow of any deceased officer, soldier or sailor, who was in the service of the Confederate States of America during the War Between the States, if such widow was married to such soldier or sailor prior to the dates set forth in the widows' classification in this section, and if she has married again, is widow at the date of her application, the following sums annually, according to the degree of disability ascertained by the following grades:

Class A. To all Confederate soldiers not included in Section One of this act, who are now disabled from any cause to perform manual labor, three hundred and sixty-five dollars ($365.00).

Class B. To such colored servants who went with their masters to the war and can prove their service to the satisfaction of the county and State pension boards, two hundred dollars ($200.00).

Widows: Class A. To the widows of ex-Confederate soldiers who are blind in both eyes or totally helpless and confined to the house, three hundred dollars ($300.00).

Class B. To the widows of ex-Confederate soldiers who were married to such soldiers on or before January first, eighteen hundred and eighty, and to such widows who were married to such soldiers subsequent to January first, eighteen hundred and eighty, and who are now on the pension rolls by virtue of previous statutes, one hundred dollars ($100.00).

5168(k). Persons not entitled to pensions. No person shall be entitled to receive the benefits of this article—

1. Who is an inmate of the Soldiers' Home at Raleigh;

2. Who is confined in any asylum or county home;

3. Who receives a pension from any other State or from the United States;

4. Who holds a National, State, or county office which pays annually in salary or fees the sum of three hundred dollars ($300);

5. Who was a deserter, or the widow of such deserter; but no soldier who has been honorably discharged or who was in service at the surrender shall be considered a deserter in the meaning of this section;

6. Who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed;

7. Who owns in his own right, or in the right of his wife, property whose tax valuation exceeds two thousand dollars ($2,000), or who having owned property in excess of two thousand dollars ($2,000) has disposed of the same by gift or voluntary conveyance to his wife, child, next of kin, or to any other person since the eleventh day of March, one thousand eight hundred and eighty-five: Provided, that the county board of pensions may place upon the pension roll, in the classes to which they would otherwise belong, any Confederate soldier, sailor, or widow disqualified by the provisions of this section, who may appear to be unable to

earn a living from property valued as much as two thousand dollars ($2,000) or more for taxation, and who may appear to the board from special circumstances worthy to be placed upon the pension roll.

APPLICATION FOR PENSIONS

5168(l). Forms provided by Auditor. The Auditor of the State shall provide a form of application (according to the terms of this article), and have the same printed and sent to the clerks of the Superior Courts of the several counties of the State for use of applicants.

5168(m). Application by person, guardian, or receiver. No soldier, officer, sailor, or widow shall be entitled to the benefits of this chapter except upon his or her own application, or, in case he or she is insane, upon the application of his or her guardian or receiver.

5168(n). Applications by persons not on rolls. Before any officer, soldier, or sailor, not now receiving a pension, shall receive any part of the annual appropriation made for pensions he shall, on or before the first Monday in July of every year, file with the Superior Court clerk of the county wherein he resides an application for relief, setting forth in detail the company and regiment or battalion in which he served at the time of receiving the wound, the time and place of receiving the wound; whether he is holding an office in the State, United States, or county from which he is receiving the sum of three hundred dollars ($300) in fees or salary; whether he is worth in his own right, or in the right of his wife, property at its assessed value for taxation to the amount of two thousand dollars ($2,000); whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State; and whether he is a citizen of the State of North Carolina. Such application shall be verified by the oath of the applicant made before any one empowered to administer oaths, and shall be accompanied by the affidavit of one or more creditable witnesses, stating that he or they verily believe the applicant to be the identical person named in the application and that the facts stated in the application are true; and when the county board of pensions is satisfied with the justice of the claim made by the applicant they shall so certify the same to the Auditor of the State under their hands and the seal of the Superior Court of their county, which shall be impressed by the clerk of the Superior Court of the county; and there shall accompany the certificate so sent to the Auditor the application, affidavit and proofs taken by them, which papers shall be kept on file in the Auditor's office. Clerks of the Superior Courts shall receive no fees whatsoever for the services herein required of them.

5168(o). Time for forwarding certificate. Auditor to issue warrant. It shall be the duty of the clerk of the Superior Court of the county where the application is filed to forward to the Auditor of the State, immediately after the certificate required by the next preceding section is made and before the first Monday in August of each year, the application and proof and certificates, and upon the State Board of Pensions being satisfied of the truth and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

5168(p). Subsequent certificates. Suggestion of fraud. After an application has once been passed upon and allowed by the county and State boards, it shall be necessary only for the applicant to file with the Auditor

of the State a certificate from the clerk of the Superior Court of the county in which the application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive, but still disabled, and a citizen of this State, and still entitled to the benefits of this article, which certificate may be passed upon by the State Board, upon suggestions of fraud, before the Auditor draws his warrant upon such certificate.

PAYMENT OF PENSIONS; WARRANTS

5168(q). Payment of pensions in advance. Acknowledgment of receipt of warrants. Pensions are payable in advance and the State Auditor shall transmit to the clerks of the Superior Courts of the various counties warrants for pensioners for one-half of the yearly pensions between the first and fifteenth of December, and for one-half of the yearly pensions between the first and fifteenth of June of each year. It shall be the duty of the clerk of the Superior Court to acknowledge to the Auditor the receipt of such warrants by the next mail after their receipt, to deliver or mail forthwith to each pensioner in his county his warrant, and to post in the courthouse a list of the pensioners to whom he has mailed or delivered warrants.

5168(r). Warrants payable to pensioner or order. Indorsement. Copy of power of attorney. The Auditor shall issue his warrant payable to the pensioner, or order, and such warrant shall not be paid by the Treasurer without the indorsement of the payee or his duly appointed attorney in fact, specially authorized to make such indorsement; and if such indorsement is made by the payee it shall be attested by the official signature of the clerk of the Superior Court or some justice of the peace or notary public of the county in which such payee resides, and if such indorsement is made by the attorney in fact of the payee, a copy of the power of attorney, duly attested by the clerk of the Superior Court or a justice of the peace or notary public of the county in which the payee resides, shall be attached to the warrant.

5168(s). Payment to widow or next of kin. Whenever a Confederate soldier who is now on the pension list shall die after the fifteenth of September, or after the fifteenth of March, and before the December or June pension check is delivered to him or her, it shall be lawful for the clerk of the Superior Court in which such pensioner lived to deliver and pay the next pension warrant due in December or June, as the case may be, to the widow or next of kin of such pensioner, or to such person as designated by the State Board of Pensions, and the endorsement of the widow or next of kin, or person designated by the State Board of Pensions, shall be a valid endorsement of such pension warrant.

5168(t). Pensions continued to widows for one year. All pensions due to Confederate soldiers shall be paid to their widows for a period of one year after the death of any such pensioner: Provided, that the amount paid shall not exceed a widow's pension as prescribed by law.

5168(u). Limit and distribution of appropriation. The State Auditor is authorized, empowered and directed to apportion, distribute and divide the money appropriated by the State for pensions, and to issue warrants to the several pensioners pro rata in their respective grades: Provided, that no pensioner on the list shall receive more than one dollar ($1.00)

per day annually: Provided, further, that if the money appropriated by the General Assembly for the Confederate soldiers, widows and servants is more than enough to pay them the amounts mentioned in this act, or if for any other cause, after paying the Confederate soldiers, widows and servants the amount stipulated in their respective grades as set out in this act, should there be an excess of the money appropriated for the first year, then the balance in the fund so appropriated for the first year shall revert and supplement the fund appropriated for the second year of the biennium. Provided further, that any moneys herein appropriated for the purposes aforesaid, shall not be needed to pay the Confederate soldiers, widows and servants the amounts stipulated in their respective grades, then such moneys shall be paid by the State Board of Pensions into the Treasury and become a part of the general fund appropriated by the State for other purposes. Provided, that no greater amount shall be paid out under this act than is appropriated under the general appropriation maintenance act.

5168(v). Increase by counties. Special tax. The county commissioners of each county in the State are authorized and empowered, if in their discretion such levy is deemed advisable, to levy for each year, at the same time and in the same manner as the levy of other county taxes, a special tax, not exceeding two cents on the hundred dollars valuation of property and six cents on each taxable poll, the constitutional equation between the property and poll being observed each year for the purpose of increasing the pensions of Confederate soldiers and widows.

Such tax shall be collected and accounted for by the sheriff or other tax collector in the same manner and under the same penalties as other taxes levied for the county, and the net proceeds thereof shall be applied each year to increase pro rata the pensions of such persons as stand upon the Confederate roll of the county for the year in which the tax is levied.

The amount collected under this section shall be disbursed by the county commissioners, pro rata, to the various pensioners in such county as shown by the State pension list for that county.

MISCELLANEOUS PROVISIONS

5168(w). Officer failing to perform duties. Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this article shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court shall be fined or imprisoned at the discretion of the court.

5168(x). Speculation in pension claims a misdemeanor. Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor or widow of a deceased soldier or sailor, allowed under the provisions of this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

5168(y). Payment of burial expenses. Whenever in any county of this State a Confederate pensioner on the pension roll of the county, or the widow of a Confederate soldier, shall die, it shall be the duty of the board of commissioners of such county, upon the certificate of such fact by the clerk of the Superior Court and recommendation of the chairman of the pension board of the county, to order the payment out of the general fund of the county of a sum not exceeding thirty dollars ($30), to be applied toward defraying of the burial expenses of such deceased pensioner or widow.

5168(z). Peddling without license. All ex-Confederate soldiers who are without means of support other than their manual labor, and who are incapacitated to perform manual labor for any reason other than by their vicious habits, and now citizens of this State, shall be allowed to peddle drugs, goods, wares, and merchandise in any of the counties of this State without a license therefor. Before any soldier shall be entitled to the benefits of this chapter he shall make application to the county board of pensions of the county of which he is a resident, and show to the satisfaction of the county board of pensions that he is entitled to the same by having served in the Confederate army or navy during the War Between the States, and that he is incapacitated to perform manual labor, and does not own property the tax valuation of which exceeds the sum of two thousand dollars ($2,000) in his own name or in the name of his wife, deeded to her by him since the first day of March, one thousand nine hundred and two.

5168(aa). Exemption of pensions or compensation from taxation. Every person receiving a pension or compensation from the State, or United States, or any foreign country or government, for and on account of wounds or physicial disabilities contracted or sustained during the late war between the United States and Germany, and any of the allied countries co-operating with the United States, shall not be required to pay any tax of any kind upon such pension or compensation, but the same shall be exempted from any and all taxes. This section shall apply to all such taxes for the year one thousand nine hundred and twenty-three, and thereafter.

DRUGS AND NARCOTICS REGULATED

(*See also C. S.* 6673; *C. S.* 6674; *C. S.* 6675; *C. S.* 6676; *C. S.* 6677; *C. S.* 6678; *C. S.* 6681; *C. S.* 6682, *on regulations for the sale of drugs.*)

C. S. 6672. **Narcotics and other drugs regulated.** That it shall be unlawful for any person, firm, or corporation to sell, furnish, or give away any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in greater quantity than is prescribed in the United States Pharmacopœia, except upon the original written order or prescription of a lawfully licensed practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription; and in no case shall any person, firm, or corporation fill any prescription or order for cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, in flake or crystals, but only in a solution, or ointment, which shall not contain over four per cent of the above named substances, or any of them, and no such order or prescription shall be for a greater quantity than one ounce of any such solution or ointment sold and dispensed in one-ounce bottles. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by the prescriber, and properly authorized officers of the law: *Provided, however*, that the above provisions shall not apply to prescriptions containing opium, or its derivatives, and recommended and sold in good faith for diarrhea, cholera, or coughs, each bottle or package of which is accompanied by specific directions for use, and a caution against habitual use; nor to the compound powder of ipecac and opium, commonly known as "Dover's Powders"; and *Provided further*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers, and manufacturers to retail druggists or qualified physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations, for use in the manufacture of such preparations, nor to sales to hospitals, colleges, or scientific institutions.

C. S. 6679. **Possession of certain drugs forbidden.** That it shall be unlawful for any person, firm, or corporation, other than those enumerated in this act, and also those into whose hands possession may come, in enforcing or attempting to enforce the provisions of this act, to have in his or their possession any cocaine, alpha or beta eucaine, novocaine, opium, morphine, heroin, codine, or any salt or compound of the foregoing substances, or their salts or compounds.

C. S. 6680. **Securing evidence.** That upon affidavit being made that there is reason to believe that the provisions of this act are being violated at any place, or by any person, those officers or persons authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five, and the amendments thereof, may and are hereby authorized to issue to any lawful officer of the city or county where such place or person may be a subpœna *capias ad testificandum*, or summons in writing, commanding any person who may have information concerning such violation of the law to appear and give evidence upon oath concerning the same.

INMATES OF STATE INSTITUTIONS REQUIRED TO PAY COST OF MAINTENANCE

PUBLIC LAWS 1925, CHAPTER 120. SECTION 1. That all persons admitted to the State Hospital at Raleigh, State Hospital at Morganton, State Hospital at Goldsboro, Caswell Training School at Kinston, Stonewall Jackson Training School for Boys at Concord, the State Home and Industrial School for Girls at Samarcand, the East Carolina Training School at Rocky Mount, the Morrison Training School for Negro Boys in Richmond County, the School for the Deaf at Morganton, the School for the Blind and Deaf at Raleigh, and the North Carolina Sanatorium for the Treatment of Tuberculosis at Sanatorium, be and they are hereby required to pay the actual cost of their care, treatment, training and maintenance at such institutions.

SEC. 2. The respective boards of trustees or directors of each of said institutions, by whatever name they may be called, are hereby empowered with the final authority to determine and fix the actual cost of such training, treatment, care and maintenance, to be paid for by or for each inmate or patient, and the said boards of trustees or directors shall, to the best of their ability, fix such cost so as to include all the cost of such care, maintenance, treatment and training, at such institutions, for each respective inmate, pupil or patient thereof, and the said sum, when so fixed, shall be the actual cost thereof.

SEC. 3. Such cost, when so fixed and determined, by the respective boards of trustees or directors of each institution, shall be paid by the patient, pupil or inmate thereof, or by his parent, guardian, trustee, or other person legally responsible therefor, and the payment thereof shall constitute a valid expenditure of the funds of any such pupil, patient or inmate by any fiduciary who may be in the control of such fund, and a receipt for the payment of such cost, in the hands of such fiduciary, shall be a valid voucher to the extent thereof, in the settlement of his accounts of his trust. Immediately upon the determination of the cost, as herein provided for, the Superintendent of the institution shall notify the patient, pupil, inmate, parent, guardian, trustee, or such other person who shall be legally responsible for the payment thereof, of the monthly amount thereof, and such statement shall be rendered from month to month. The respective boards of trustees or directors of the various institutions are vested with full and complete authority to arrange with the patient, pupil, inmate, parent, guardian, trustee or other person legally responsible for the cost, for the payment of any portion of such cost monthly or otherwise, in the event such patient, pupil, inmate, parent, guardian, trustee or other person legally responsible therefor shall not be able to pay the total cost. The head of the various institutions shall annually file with the Auditor of the State a list of all unpaid accounts.

SEC. 4. From and after the passage of this act the respective boards of trustees or directors of each institution, shall ascertain which of the various patients, pupils or inmates thereof, or which of the parents, guardians, trustees or other persons legally responsible therefor, are financially able to pay the cost, to be fixed and determined by this act, and so soon as it shall be ascertained, such patient, pupil, inmate, parent, guardian, trustee or other person legally responsible therefor, shall be notified of such cost and in general, of the provisions of this act and such patient, pupil, inmate or the parent, guardian, trustee or other person

legally responsible therefor, shall have the option to pay the same or to remove the patient, pupil or inmate from such institution, unless such person was committed by an order of a court of competent jurisdiction, in which event, the liability for the cost as fixed by this act shall be fixed or determined and payment shall be made in accordance with the terms of this act.

SEC. 5. That immediately upon the fixing of the amount of such actual cost, as herein provided, a cause of action shall accrue therefor in favor of the State for the use of the institution in which such patient, pupil or inmate is receiving training, treatment, maintenance or care, and the State for the use of such institution may sue upon such cause of action in the courts of Wake County, or in the courts of the county in which such institution is located, against said patient, pupil or inmate or his parents, or either of them, or guardian, trustee, committee, or other person legally responsible therefor, or in whose possession and control there may be any funds or property belonging to either the said pupil, patient or inmate, or to any person upon whom the said patient, pupil or inmate may be legally dependent, including both parents.

SEC. 6. That no statute of limitation shall apply to or constitute a defense to any cause of action asserted by any of the above named institutions, for the collection of the cost of care, treatment, training or maintenance, or any or all of these against any person liable therefor, as herein provided, and all statutes containing limitations which might apply to the same, are hereby *pro tanto* repealed, as to all such causes of action or claims and this section shall apply to all claims and causes of action for like cost heretofore incurred with such institutions and now remaining unpaid.

SEC. 7. That this act shall not be held or construed to interfere with or to limit the authority and power of the management of the boards of trustees or directors of any of the institutions named herein, to make provision for the care, custody, treatment and maintenance of all indigent persons who may be otherwise entitled to admission in any of said institutions, and, as to indigent pupils, inmates and patients, the same provisions now contained in the several statutes relating thereto, shall continue in force, but, if at any time, any of the said indigent patients, pupils or inmates shall succeed to or inherit, or acquire, in any manner, property, or any of the persons named above as legally responsible for the cost of care, treatment and maintenance of the pupil, inmate and patient, at the above named institutions, shall acquire property, or shall otherwise be reputed to be solvent, then each of said institutions shall have the full right and authority to collect and sue for the entire cost and maintenance of such inmate, pupil or patient, without let or hindrance on account of any statute or limitation whatsoever.

SEC. 8. That at the request of such institution, all actions and suits shall be sued upon and prosecuted by the Attorney-General, and such institution shall have the right to elect as to whether it will institute such action in the courts of Wake County, or in the courts of the county in which such institution is located.

SEC. 9. That any judgment obtained by the State for the use of any of the above named institutions, shall never be barred by any statute of limitation, but shall continue in force, and, at the request of the Attorney-General, or the superintendent of any of said institutions, an execution shall issue therefor at any time without requiring such institution to revive the said judgment, as is now provided by statute, but, in case any judg-

ment debtor, or any fiduciary responsible for the payment thereof, shall make affidavit and file the same with the clerk of the Superior Court, from which such execution is issued, that payments have been made upon the said judgments, then the clerk shall recall said execution and proceed to hear and determine what is the true amount due thereon, if anything, in the same manner as is now required in motions to revise dormant judgments with the right of appeal to the judge of the Superior Court, as now provided in such motions, and the clerk of the Superior Court and the judge thereof, shall have authority in their discretion, to require security for the payment of the amount of said judgment, pending such appeal.

SEC. 10. That, in the event of the death of any inmate, pupil or patient, of either of said institutions above named, leaving any such cost of care, maintenance, training and treatment unpaid, in whole or in part, then such unpaid cost shall constitute a first lien on all the property, both real and personal, of the said decedent, subject only to the payment of funeral expenses and taxes to the State of North Carolina.

SEC. 11. All money collected by any institution pursuant to this act shall be by such institution paid into the State Treasury, and shall be by the State Treasurer credited to the account of the institution collecting and turning the same into the Treasury, and shall be paid out by warrants drawn by the Auditor as in cases of appropriations made for the maintenance of such institutions and shall be used by such institutions as it uses and is authorized by law to use appropriations made for maintenance.

INSANE PERSONS

INQUISITION OF LUNACY AND APPOINTMENT OF GUARDIAN

C. S. 2285. **Inquisition of lunacy; appointment of guardian.** Any person, in behalf of one who is deemed an idiot, inebriate, or lunatic, or incompetent from want of understanding to manage his own affairs by reason of the excessive use of intoxicating drinks, or other cause, may file a petition before the clerk of the superior court of the county where such supposed idiot, inebriate or lunatic resides, setting forth the facts, duly verified by the oath of the petitioner; whereupon such clerk shall issue an order upon notice to the supposed idiot, inebriate, or lunatic, to the sheriff of the county, commanding him to summon a jury of twelve men to inquire into the state of such supposed idiot, inebriate or lunatic. Upon the return of the sheriff summoning said jury, the clerk of superior court shall swear and organize said jury and shall preside over said hearing, and the jury shall make return of their proceedings under hand to the clerk, who shall file and record the same; and he shall proceed to appoint a guardian of any person so found to be an idiot, inebriate, lunatic or incompetent person by inquisition of a jury, as in cases of orphans.

Either the applicant or the supposed idiot, inebriate, lunatic or incompetent person may appeal from the finding of said jury to the next term of the Superior Court, when the matters at issue shall be regularly tried *de novo* before a jury, and pending such appeal, the clerk of the Superior Court shall not appoint a guardian for the said supposed idiot, inebriate, lunatic, or incompetent person, but the resident judge of the district, or the judge presiding in the district may in his discretion appoint a temporary receiver for the alleged incompetent pending the appeal. The trial of said appeal in the Superior Court shall have precedence over all other causes.

The jury shall make return of their proceedings under their hands to the clerk, who shall file and record the same; and he shall proceed to appoint a guardian of any person so found to be an idiot, inebriate, lunatic or incompetent person by inquisition of a jury, as in cases of orphans. If the person so adjudged incompetent shall be an inebriate within the definition of section two thousand two hundred and eighty-four, the clerk shall proceed to commit said inebriate to the department of inebriates at the State Hospital at Raleigh for treatment and cure. He shall forward to the superintendent of said State Hospital a copy of the record required herein to be made together with the commitment, and these shall constitute the authority to said superintendent to receive and care for and cure said inebriate. The expenses of the care and cure of said inebriate shall contribute a charge against the estate in the care of his guardian. If, however, such estate is not large enough to pay such expenses, the same shall be a valid charge against the county from which said inebriate is sent. Provided, where the person is found to be incompetent from want of understanding to manage his affairs, by reason of physical and mental weakness on account of old age and/or disease and/or other like infirmities, the clerk may appoint a trustee instead of guardian for said person. The Trustee appointed shall be subject to the laws now or which hereinafter may be enacted for the control and handling of estates by guardians. That the clerks of the Superior Courts who have heretofore appointed guardians for persons described in this proviso are hereby authorized and empowered to change said appointment from Guardian to Trustee. (As amended by Chapter 203, Public Laws 1929.)

SALE OF ESTATE OF INSANE FOR SUPPORT

C. S. 2291. **Clerk may order sale, mortgage, or renting.** When it appears to any clerk of the Superior Court by report of the guardian of any idiot, inebriate or lunatic, that his personal estate has been exhausted, or is insufficient for his support, and that he is likely to become chargeable on the county, the clerk may make an order for the sale, mortgage, or renting of his personal or real estate, or any part thereof, in such manner and upon such terms as he may deem advisable. Such order shall specify particularly the property thus to be disposed of, with the terms of renting or sale or mortgage; and shall be entered at length on the records of the court; and all sales and rentings and conveyances by mortgages or deeds in trust made under this section shall be valid to convey the interest and estate directed to be sold or conveyed by mortgage or deed in trust, and the title thereof shall be conveyed by such person as the clerk may appoint on confirming the sale; or the clerk may direct the guardian to file his petition for such purpose. (As amended by Sec. 1, Chapter 184, Public Laws 1931.)

C. S. 2292. **Purposes for which estate sold; parties; disposition of proceeds.** When it appears to the clerk; upon the petition of the guardian of any idiot, inebriate or lunatic, that sale or mortgage of any part of his real or personal estate is necessary for his maintenance, or for the discharge of debts unavoidably incurred for his maintenance, or when the clerk is satisfied that the interest of the idiot, inebriate or lunatic would be materially and essentially promoted by the sale or mortgage of any part of such estate; or when any part of his real estate is required for public purposes, the clerk may order a sale thereof to be made by such person, in such way and on such terms as he shall adjudge. The clerk, if it be deemed proper, may direct to be made parties to such petition the next of kin or presumptive heirs of such non sane person or inebriate. And if on the hearing the clerk orders such sale or mortgage, the same shall be made and the proceeds applied and secured, and shall descend and be distributed in like manner as is provided for the sale of infants' estates decreed in like cases to be sold on application of their guardians, as directed in the chapter entitled Guardians. The word "mortgage" whenever used herein shall be construed to include deeds in trust. (As amended by Sec. 2, Chapter 184, Public Laws 1931.)

NOTE: *See also "Veterans' Guardianship Act," page* 143.

HOSPITALS FOR THE INSANE

C. S. 6151. **Incorporation and names.** The hospital for the insane, located near Morganton, shall be and remain a corporation under this name: The State Hospital at Morganton. The hospital for the insane, located near Raleigh, shall be and remain a corporation under this name: The State Hospital at Raleigh. The hospital for the insane, located near Goldsboro, shall be and remain a corporation under this name: The State Hospital at Goldsboro. Under their respective names each corporation is invested with all the property and rights heretofore held by each, under whatsoever name called or incorporated, and all other corporate names are hereby abolished. Hereafter in this chapter, when the above names are used, they shall be deemed to relate back to and include the corporation under whatsoever name it might heretofore have had.

C. S. 6152. **Power to acquire and hold property.** The State Hospital at Morganton, and the State Hospital at Raleigh, and the State Hospital at Goldsboro, may each acquire and hold, for the purpose of its institution, real and personal property, by devise, bequest, or by any manner of gift, purchase, or conveyance whatsoever.

PUBLIC LAWS, 1929, CHAPTER 265. **Division of Territory and Transfers of Patients of the State Hospitals for the Insane.**

SECTION 1. The State Hospital at Raleigh and the State Hospital at Morganton shall be exclusively for the accommodation, maintenance, care and treatment of the white insane of the State, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane and inebriates of the State. The line heretofore agreed upon by the Directors of the State Hospital at Raleigh and the State Hospital at Morganton shall be the line of division between the territories of said hospitals, and white insane persons settled in counties east of said line shall be admitted to the State Hospital at Raleigh, and white insane persons settled in counties west of said line shall be admitted to the State Hospital at Morganton, epileptics shall be admitted as now provided by law. White inebriates shall be admitted to the State Hospital at Raleigh.

SEC. 2. A committee made up of two members, selected by the respective boards, from each Board of Directors of the State Hospital at Raleigh, and the State Hospital at Morganton and the Governor may change said line from time to time whenever in their opinion such change may be desirable and proper. The committee, or the Governor, may have patients transferred from and/or to the State Hospital at Raleigh and the State Hospital at Morganton when such transfer may be deemed advantageous.

C. S. 6154. **Cherokee Indians of Robeson County and Croatan Indians of other counties.** All the insane and inebriate Cherokee Indians of Robeson County, and all the insane and inebriate Croatan Indians of the other counties of the State shall be cared for in the hospital for the insane at Raleigh in wards separate and apart from the white patients in said hospital, and all such Cherokee Indians of Robeson County and Croatan Indians of the other counties of the State shall be cared for and receive the same treatment as other patients in said hospital receive.

C. S. 6155. **Epileptics cared for at Raleigh.** Whenever it becomes necessary for any white person of this State, afflicted with the disease known as epilepsy, to be confined or to receive hospital treatment, such person shall be accommodated, maintained, cared for, and treated at the State Hospital at Raleigh. Such epileptics shall be committed by the clerks of the Superior Courts of the several counties to the State Hospital at Raleigh in the manner now provided by law for the commitment of insane persons to the several hospitals for the insane; and when such persons shall be committed it shall be the duty of the superintendent of the State Hospital at Raleigh, and he is required, to receive such persons and care for, maintain, and treat them at the hospital at Raleigh, if the superintendent shall find such persons to be afflicted to such extent as properly to become a public charge: *Provided*, that any person so committed who is able to pay shall be charged actual cost of maintenance. All epileptics confined, cared for, and maintained at the State Hospital at Morganton shall be transferred to the State Hospital at Raleigh.

C. S. 6168. **Board of Charities and General Assembly, visitors; superintendent reports, to whom.** The State Board of Charities and Public Welfare and the members of the General Assembly shall be *ex officio* visitors of all hospitals for the insane. It shall be the duty of the State Board of Charities to visit the hospitals from time to time, as they may deem expedient, to examine into their condition, and make report thereon to the General Assembly, with such suggestions and remarks as they think proper.

C. S. 6173. **Superintendent; appointment, term of office, qualifications, and removal.** The board of directors shall appoint a superintendent of each of said institutions and prescribe his duties. He shall be a skilled physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold office for six years from and after his appointment, unless sooner removed by said board, who may, for infidelity to his trust, gross immorality, or incompetency to discharge the duties of his office, fully proved and declared, and the proofs thereof recorded in the book of their proceedings, remove him and appoint another in his place.

C. S. 6174. **Powers of superintendent.** The superintendent of each hospital shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his hospital, and he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors the misconduct of all subordinates.

C. S. 6175. **Superintendent to notify sheriff of escape.** Any superintendent may notify the sheriff within whose county any person sent from his hospital on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to such hospital at the expense of the county of the settlement of the patient.

NOTE.—Chapter 114 Public Laws of 1927 amends C. S. 6175 by including the Caswell Training School.

C. S. 6184. **Persons adjudged insane entitled to immediate admission.** Any resident of North Carolina who has been legally adjudged to be insane by the clerk of the court or other properly authorized person, in accordance with the provisions of this chapter, shall be entitled to immediate admission into the State Hospital at Morganton, the State Hospital at Raleigh, or the State Hospital at Goldsboro, in accordance with the principles of division as to race and residence prescribed in this chapter; and no resident of the State who has been legally adjudged insane and who has been presented to the superintendent of the proper State Hospital for the insane as provided in this article, shall be refused admission thereto; but nothing in this article shall be construed to affect the discharge or transfer of patients as now provided by law.

See Biennial Report of Attorney General—1924-1926—*Pages* 289, 290.

C. S. 6185. **Idiots not admitted.** No idiot shall be admitted to any hospital, and for the purpose of this charter an idiot is defined to be a person born deficient in mind.

C. S. 6186. **Priority given to indigent patients; payment required from others.** In the admission of patients to any State hospital, priority of

admission shall be given to the indigent insane; but the board of directors may regulate admissions, having in view the curability of patients, the welfare of the institutions, and the exigencies of particular cases. The board of directors may, if there be sufficient room, admit other than indigent patients upon payment of proper compensation. If any inmate of any State hospital shall require private apartments, extras, or private nurses, the directors, if practicable, shall provide the same at a fair price to be paid by such patient. Upon the death of any nonindigent patient, the State hospital may maintain an action against his estate for his support and maintenance for a period of five years prior to his death.

C. S. 6187. **Only bona fide residents admitted to hospitals.** No clerk of the court or justice of the peace shall commit to a hospital any person who is not a *bona fide* citizen and resident of this State; and no person who shall have removed into this State from another State while insane shall be deemed a resident or citizen of this State; and no length of residence in this State of a person who was insane at the time he moved into this State shall be sufficient to make that person a citizen or resident of North Carolina within the meaning of this chapter. If any clerk or justice of the peace shall knowingly commit to any hospital a person who is not a *bona fide* citizen and resident of the State, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

C. S. 6188. **Findings as to residence in examination reported.** In every examination of an alleged insane person it shall be the duty of the clerk or justice of the peace to particularly inquire whether the alleged insane person is a resident of this State, as hereinbefore set forth, and he shall state his findings upon the subject in his report to the superintendent of the hospital. If it is not possible to ascertain the legal residence of the alleged insane person, and the clerk or justice of the peace shall be of the opinion that the insane person is a resident of this State, within the meaning of this law, he shall state that he was unable to ascertain the legal residence of the insane person, and shall commit him to the hospital of his district.

C.S. 6189. **Settlement of patient determined.** For the purposes of this chapter the settlement of every person admitted to a State hospital as insane shall be in the county where the actual place of his residence at his admission may be situated, when such settlement comes in question, but no person can have a settlement in any county in this State unless he is a *bona fide* citizen and resident of this State, and was so before mental disease became manifest.

C. S. 6190. **Affidavit of insanity to procure admission.** For admission into a State hospital the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with the clerk of the Superior Court of the county an affidavit in writing, which shall be substantially in the following form:

STATE OF NORTH CAROLINA,_____County.

The undersigned, residing in said county, makes oath that he has carefully examined_____, and believes him to be an insane person, and to

be, in the opinion of the undersigned, a fit subject for admission into a hospital for the insane.

Dated.....day of....., A. D. 19.....

.....

Affiant.

Sworn and subscribed before me.

.....

Clerk Superior Court.

C. S. 6191. **Clerk to issue order for examination. Whereupon, unless** the person in whose care or custody the insane person is will agree to bring him before the clerk without a warrant, or unless the clerk shall be of the opinion that it will be injurious to the insane person to be brought before him, the clerk shall issue a precept, directed to the sheriff or other lawful officer, substantially in the following form:

STATE OF NORTH CAROLINA,

To the Sheriff or other lawful officer of.....County—Greeting:

Whereas, information, on oath, has been laid before me that..... is insane, you are hereby commanded to bring him before me within the next ten days that necessary proceedings may be had thereon.

Given under my hand, ... day of....., A. D. 19.....

.....

Clerk Superior Court.

C. S. 6192. **Clerk and physician to make examination.** If the alleged insane person be confined in jail otherwise than for crime, the sheriff shall remove him from the jail upon order from the clerk. Upon the bringing of the alleged insane person before the clerk by his friends, or upon the return of the precept with the body of the insane person, the clerk shall call to his assistance the county physician of the county, or some other licensed and reputable physician, resident of this State, and shall proceed to examine into the condition of mind of the alleged insane person. He shall take testimony of at least one licensed physician, resident of this State, and, if possible, a member of the family, or some friend or person acquainted with the alleged insane person, who has had opportunities to observe him after such insanity is said to have begun.

C. S. 6193. **Clerk may discharge person, require bond, or commit to hospital.** If the clerk, after his examination of the alleged insane person, and the hearing of the testimony as aforesaid, shall decide that such person is sane, he shall forthwith discharge him. If he shall decide that such person is insane, and some friend, as he may do, will not become bound with good security in an amount to be fixed by the clerk to restrain him from committing injuries, and to keep, support, and take care of him until the cause for confinement shall cease, he shall direct such insane person to be removed to the proper hospital as a patient, and to that end he shall transmit to the proper board of directors the examination of the witnesses, and the statement of such facts as he shall deem pertinent to the subject-matter. If the clerk (or justice under section six thousand one hundred and ninety-five) is satisfied, after the examination herein provided, that the person is insane or an inebriate within the definition of section 2304(a), he shall make the following order and commitment to the proper State hospital in substantially the following form:

STATE OF NORTH CAROLINA,_____County.

State of North Carolina,

*To the State Hospital at*_____, *N. C., Greeting:*

Whereas, it has been made satisfactorily to appear to me,_____, Clerk of the Superior Court of said county, after a proper examination of _____, a person having his legal settlement in this county, that he is insane, epileptic or addicted to the use of drugs or alcohol (draw a pen through terms not applying), that he is a *bona fide* citizen of the State, and that he has a legal settlement in said county and is a fit subject for care and treatment in the State Hospital at_____, and that he, being at large, is injurious to himself and disadvantageous if not dangerous to the community:

These are, therefore, to command you to receive said_____ into the State Hospital at_____for care and treatment as provided for by the laws of this State.

Given under my hand and official seal, this_____day of_____, 19____.

_____,

*Clerk Superior Court,*_____*County.*

If the proceedings are to be before a justice of the peace under section six thousand one hundred and ninety-five of the Consolidated Statutes, the following certificate shall be appended to the commitment by said justice of the peace:

I have examined the testimony as herein set forth, and am satisfied that _____is a fit subject for treatment in the State Hospital at_____, N. C.

Given under my hand and official seal, this_____day of_____, 19____.

_____,

Clerk Superior Court.

If the patient is a pauper, the following shall be filled out and accompany the commitment:

STATE OF NORTH CAROLINA,_____County.

I, _____, Clerk of the Superior Court of the above county, do hereby certify that_____is a poor person and has no estate or property except_____

_____

_____

_____

nor has any one such property who is liable for his maintenance under chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one.

Given under my hand and official seal, this_____day of_____, 19____.

_____,

Clerk Superior Court.

If the patient is not a pauper, the following should be filled out and accompany the commitment of the patient:

STATE OF NORTH CAROLINA,_____County.

I, _____, Clerk of the Superior Court of said county, do hereby certify that_____has property of his own and is financially able to pay for his maintenance, or has relatives who under chap-

ter one hundred and fifty-six of the Public Laws of one thousand nine hundred and twenty-one are liable for his maintenance, who have adequate property to pay for the same in the State Hospital at _____, N. C.

Given under my hand and official seal, this _____ day of _____, 19____.

_____

Clerk Superior Court.

The application for admission and commitment to a particular hospital shall be forwarded to such hospital, and immediately upon receipt of said application, if there shall be room for said patient in said hospital, the superintendent shall immediately notify the clerk of the court that the patient will be admitted at once. The receipt of said notice by said clerk of the court shall constitute his authority to convey said patient to said hospital for immediate admission: *Provided, however,* nothing herein shall prevent the superintendent of said hospital from sending immediately a representative of said hospital to convey said patient thereto.

C. S. 6194. **Examination at home of patient.** If the clerk of the court shall be of the opinion that it will be injurious to the alleged insane person to be brought before him, the clerk shall proceed to the residence or habitation of said person and take the examination there.

C. S. 6195. **When justice of the peace may make examination.** In a case of emergency, when for any reason the clerk of the court cannot go or is absent from the county, then any justice of the peace is authorized to proceed in like manner by taking the testimony of the physician and other witnesses, as is before provided for in this chapter, and report the same to the clerk. If the clerk is satisfied that the alleged insane person is a fit subject for a hospital for the insane, he shall issue an order for his commitment. In cases of great emergency or inconvenience, the said justice may commit a patient to a hospital, and the superintendent is authorized to receive him, but the justice shall procure an order from the clerk to be forwarded to the superintendent within thirty days.

C. S. 6196. **Questions to be answered and certified to superintendent.** The following questions, with their respective answers by at least one licensed physician, resident of this State, and such other competent witnesses as the clerk or justice shall determine, duly sworn and subscribed by them, and so certified by the clerk or justice, shall be transmitted with the other papers to the superintendent of the proper hospital, to be reported as soon as practicable to the board of directors. Pending the consideration of the application by the board of directors, the patient shall remain in the custody of the officer or such person as the clerk may designate until it can be ascertained if there is room for the patient at the hospital:

1. What is patient's name? A. _____
2. When was patient born? A. _____; Present age _____
3. Where was patient born? A. _____
4. Is _____ or _____ married, single or divorced? A. _____
5. If married woman, give maiden name. A. _____
6. Name and birthplace of father. A. _____
7. Maiden name and birthplace of mother. A. _____
8. Occupation of patient for past five years. A. _____
9. Present occupation. A. _____

   If no occupation, how supported? A. _____

10. Education: Collegiate, common school, grammar, elementary, none. A._____. Professional or technical_____

11. Were mother and father related? A._____

12. Was either parent or grandparent or any children of patient or other blood relation ever insane, epileptic, feebleminded, inebriate, paralytic, physically deformed, tubercular, diabetic, etc.? Specify. A._____

13. If any of them were ever in any institution, state where and when. A._____.

14. Was patient ever charged or convicted of any crime? If so, what and when? A._____.

15. Is patient now charged with crime? If so, what? A._____

16. Is patient now in jail? If so, how long? A._____

17. Is patient now in county home? If so, how long?. A._____

18. When was the change first observed in the patient's appearance and conduct indicating insanity? A._____

19. What were the principal mental changes and symptoms observed at that time? A._____.

20. Did they develop rapidly or gradually? A._____

21. What symptoms are present at the present time? A._____

22. Has patient had previous attacks? If so, how many and was_____or _____treated in a hospital? If so, when and where? A._____

23. What did the patient say or do in your presence indicating insanity? A._____.

24. Has patient delusions or hallucinations? A._____

25. Is patient destructive? If so, what has_____or_____destroyed? A._____.

26. Has patient ever attempted suicide? A._____

27. Has patient ever threatened suicide? A._____

28. Has patient ever attempted homicide? A._____

29. Has patient ever threatened homicide? A._____

30. Has patient injured or attempted to injure h_____self or others? If so, whom, when and in what manner? A._____

31. State any other facts relative to behavior of patient indicating insanity. A._____.

32. Is patient feebleminded? A._____

33. Is patient an idiot? A._____

34. What is the present salary of the patient? A._____

35. How many dependent on_____or_____for support? A._____

36. What is the value of_____or_____property? A._____

37. What is_____or_____annual income? A._____

38. If a minor, state occupation of patient's father. A._____

39. What is father's salary? A._____

40. What is the value of his property? A._____

41. What is his annual income? A._____

42. The following questions should be answered if patient is a drug addict or inebriate:

(1) Is patient addicted to the use of alcohol, morphine, cocaine, heroin, or any other drugs? If so, what drug? A._____

(2) In what manner (hypodermically or mouth), and how much does patient take? A._____

(3) How long has patient been an addict? A._____

(4) Has patient ever been treated for inebriety? If so, where and when? A._____.

43. The following questions should be answered if patient is an epileptic:

(1) At what age did epilepsy first appear? A._____
(2) How long since first attack? A._____
(3) Do seizures occur day or night, or both times? A._____
(4) How often do attacks occur? A._____
(5) Are attacks accompanied by frothing at the mouth_____, involuntary passage of urine_____, of feces_____, or biting of tongue? A._____.
(6) Has patient been burned or otherwise injured during seizures? A._____.
(7) Are seizures grand or petit mal, or both? A._____
(8) What mental changes have taken place in patient? A._____
(9) Is the patient incapable of protecting_____self against ordinary dangers without an attendant? A._____

44. Give the name of nearest relative or friend with whom superintendent can correspond relative to condition of patient? A._____; relationship and address_____
45. How could the above party be communicated with quickest in case of emergency? A._____.
46. In case the hospital can accept patient, at what point could patient be delivered to representative of hospital? A._____

C. S. 6197. **Clerk to keep record of examination and discharge.** The clerk will keep a record of all examinations of persons alleged to be insane; and he shall record in such record a brief summary of the proceedings and of his findings, and whenever a justice of the peace shall transmit to the clerk a report of his proceedings when he shall have examined a person under the powers granted under this chapter the clerk shall make a record of his proceedings, and for recording the justice's proceedings he shall be entitled to a fee of twenty-five cents, to be paid by the county aforesaid, and he shall keep a record of all probations and discharges provided for in article four of this chapter.

C. S. 6198. **Fees for examination.** The following fees shall be allowed to the officers who make the examination and they shall be paid by the county in which the alleged insane person is settled: To the clerk or justice who makes the examination, two dollars, and if the clerk goes to the home of the insane person he shall be entiled, in addition to this sum, to five cents a mile each way. This shall cover his entire cost in taking the examination and making out the necessary papers.

The physician called, in the absence of the county physician, shall be entitled to two dollars with mileage. The county physician, being a salaried officer, is not allowed any fee for his services in this examination. The sheriff shall be entitled to such fees as are now allowed by law for the service of process of similar character.

C. S. 6199. **Superintendent of hospital notified; attendant to convey patient.** Whenever any insane person shall be entitled to admission into any one of the hospitals of the State, and the clerk of the Superior Court or other officer authorized by law to find such person insane has so found, and has been notified that such insane person will be admitted into the hospital, it shall be the duty of the clerk or justice of the peace forthwith

to notify the superintendent of such hospital, giving the race, name, sex, and age of the patient, and it shall be the duty of such superintendent unless said patient has been exposed to a contagious disease as hereinafter mentioned in this article, to send an attendant to bring such insane person to the hospital. Such an attendant shall have all such rights as the sheriff or other officer has heretofore had to convey the insane person to the hospital.

C. S. 6200. **Bill of expense sent to county commissoners.** Upon the arrival of such insane person at the hospital, the superintendent shall send to the board of commissioners of the county in which such insane person had a settlement a bill covering the cost of conveying such insane person to the hospital, including any fees that would now be allowed an officer, and it shall be the duty of the board of commissioners forthwith to repay to such hospital the amount of such bill.

C. S. 6201. **Failure of superintendent to send attendant; sheriff to act.** If the superintendent of any hospital for the insane in this State shall, for ten days after receiving a notice as prescribed in section 6199, fail and neglect to send an attendant, as is prescribed by section 6199, to bring such insane person to the hospital, it shall be the duty of the sheriff of the county from which the notice was sent to bring at the expense of the county such insane person to the State hospital, whereupon it shall be the duty of the said superintendent to receive said insane person and relieve said sheriff of his care.

C. S. 6202. **Cost of conveying patients to and from hospital; how paid.** The cost and expenses of conveying every insane person to any hospital from any county, or of removing him from the hospital to his county, or of the return to the county of his settlement as sane, shall be paid by the treasurer of such county, upon the order of its board of county commissioners. Whenever the board of commissioners shall be satisfied that such person has property sufficient to pay such cost and expenses, or that some other person liable for his support and maintenance has property sufficient to pay such costs and expenses as aforesaid, they shall bring an action and recover the amount paid from the said person, or from the other person liable for his support and maintenance.

C. S. 6203. **Preparation of patient for admission to hospital.** Every sheriff or other person bringing to a hospital a patient shall see that the patient is clean, free from contagious disease and vermin, and that he has clothing proper for the season of the year, and in all cases two full suits of underclothing.

C. S. 6204. **Commitment in case of sudden or violent insanity.** Whenever any citizen or resident of this State becomes suddenly or violently insane, in some county other than that of his settlement, the proper authorities, as hereinbefore provided, of any county in which he shall be, shall have the authority to examine him, and, if necessary, commit him to the hospital to which he would be sent had he been committed from the county of his own settlement.

C. S. 6205. **Expense paid by county of settlement; penalty.** Immediately upon the commitment to a hospital of any such person, a transcript of the proceedings shall be sent to the clerk of the county in which he is settled, and that county shall pay over to that county from which he was

committed all the cost of the examination and commitment, and if the board of commissioners of the county of the settlement shall fail to pay all proper expense of said proceedings within sixty days after the claim shall have been presented, they shall forfeit and pay to the county which committed the insane person the sum of two hundred and fifty dollars, to be recovered by the commissioners of that county in a civil action brought in the Superior Court of that county from which the patient was committed to the hospital, against the commissioners of the county.

C. S. 6206. **Person conveying patient to hospital without authority.** No sheriff or other person shall convey a patient to any hospital without having ascertained that the patient will be admitted, and if any sheriff or other person shall carry a patient to a hospital without having ascertained that the patient will be admitted, and the patient is not admitted, he shall be required to convey the patient back to the county of his settlement, and he shall not be repaid by the county or hospital for the expenses incurred in carrying the patient to and from the hospital.

C. S. 6207. **How admission determined, when superintendent is in doubt.** Whenever any insane person shall be conveyed to any hospital, and the superintendent is in doubt as to the propriety of his admission, he may convene any three of the board of directors, who shall constitute a board for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board so decide, such person shall be received into said hospital; but a like board may at any time thereafter deliver such insane person to any friend who will become bound with good surety to restrain him from committing injuries, and to keep, maintain, and take care of him, in the same manner as he might have become bound under the authority of the clerk of the court.

C. S. 6208. **Admission refused, if patient exposed to contagious disease.** The superintendent of the hospital may refuse to receive into his institution a patient when he shall have reliable information that the patient has recently been exposed to infectious or contagious disease, and there is danger of contagion and infection being conveyed by the patient, or where the patient comes from a quarantined community. Whenever a patient is rejected because of any of these reasons the superintendent shall make a record of the application, and as soon as, in his opinion, the danger shall have been removed, he shall notify the sheriff of the county, and admit the patient into his hospital.

C. S. 6209. **Commitment upon patient's own application.** Any person believing himself to be of unsound mind, or threatened with insanity, may voluntarily commit himself to the proper hospital. The application for commitment shall be in the form following:

STATE OF NORTH CAROLINA, County of.....

I, ..., a resident of ..... County, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the State hospital at ..... for such a period of time as the board of directors and the superintendent may deem necessary. And I agree in all respects to conform to the rules and regulations of said institution during the period which shall be prescribed by the superintendent and board of directors.

.....

Attest: .....

This application shall be accompanied by the certificate of a licensed physician, which certificate shall state that in the opinion of the physician the applicant is a fit subject for admission into a hospital, and that he recommends his admission. The certificate of the clerk of the Superior Court need not accompany this application. The superintendent may, if he think it a proper application, receive the patient thus voluntarily committed, and treat him until the next meeting of the board of directors or of the executive committee, and shall report the application and admission to the first meeting of said board, and if said board approves such admission, the patient shall be considered as having been regularly committed, and shall, in all respects, be treated as such. But no report need be made to the clerk of the court of his county of settlement. The superintendent and board of directors shall have the same control over patients who commit themselves voluntarily as they have over those committed under the regular proceedings hereinbefore provided. And no voluntary patient shall be entitled to a discharge until he shall have given the superintendent ten days notice of his desire to be discharged.

C. S. 6210. **Proceedings in case of insanity of citizen of another state.** If any person, not a citizen or resident of this State, but a citizen and resident of another state of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of the state of which the insane person is a citizen of the facts and circumstances by letter (or telegraphic message if he thinks proper), and for a reasonable length of time the insane person shall be kept confined or restrained in said county, but shall not be committed to any State hospital, and if the state of his citizenship shall not provide for the removal from this State to his proper state of the insane person within a reasonable time, the county commissioners of the county in which he shall have been ascertained to be an insane person shall cause him to be conveyed to the state of which he is a citizen and delivered there to the sheriff of his county or to the superintendent of any state hospital. The cost of such proceedings and conveyance away from this State shall be borne by the county in which the person shall have been adjudged to be insane.

C. S. 6211. **Proceedings in case of insanity of alien.** If any person, not a citizen of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the Governor of this State of the name of the insane person, the country of which he is a citizen, and his place of residence in said country, if the same can be ascertained, and such other facts in the case as he may obtain, together with a copy of the examination taken; and the Governor shall transmit such information and examination to the Secretary of State at Washington, D. C., with the request that he inform the minister resident or plenipotentiary of the country of which the insane person is supposed to be a citizen.

C. S. 6212. **Insane person temporarily committed to jail.** When any person found to be insane under any of the provisions of this chapter, and he cannot be immediately admitted to the proper hospital, and such person is also found to be subject to such acts of violence as threaten injury to himself and danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to the county jail until a more suitable provision can be made for his case.

C. S. 6213. **County commissioners may discharge insane person in county.** It shall be the duty of the board of county commissioners, by

proper order to that effect, to discharge any ascertained insane person in their county, not admitted to the appropriate hospital, and not committed for crime, when it shall appear upon the certificate of two respectable physicians, and the chairman of their board, that such insane person ought to be discharged if in a hospital.

C. S. 6214. **Discharge of patient from hospital; sheriff's duty; expense paid.** Any three of the board of directors, upon the superintendent's certifying the facts (a copy of which certificate shall be sent to the clerk of the Superior Court of the county of settlement), shall be a board to discharge or remove from their hospital any person admitted as insane, when such person has become or if found to be of sane mind, or when such person is incurable, and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or the board may permit such person to go to the county of his settlement on probation, when in the opinion of the superintendent it will not be injurious to himself or dangerous to the community; and the board may discharge or remove such person, upon other sufficient causes appearing to them; and whenever any such person, admitted as indigent, may be so discharged or removed, except as same, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such person discharged as restored or probated shall receive from such hospital a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county, and, if necessary, the hospital shall provide the patient with a decent suit of clothes. When notified by the superintendent to come for and remove any insane person from the hospital, it shall be the duty of the sheriff of the county in which the insane person has a settlement forthwith to convey the insane person from the hospital to the county of his settlement. The cost of such removal shall be advanced by the sheriff and repaid to him by the county of insane person's settlement; and if any sheriff, after having been notified by the superintendent to remove any insane person, as aforesaid, shall fail to do so within fifteen days from the time of the receipt of the letter of notice, he shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties given in this chapter; and if the commissioners of any county shall fail to repay the hospital the money disbursed in paying for the necessary clothes and traveling expenses of any person discharged as cured from said hospital, within sixty days after the presentation of a claim therefor, the commissioners shall forfeit and pay to the hospital the sum of fifty dollars, to be collected in the manner provided for the collection of penalties in this chapter.

C. S. 6215. **Superintendent may discharge patient temporarily.** Each superintendent may, for the space of thirty days, or until the next meeting of the board of three directors provided for in the preceding section, discharge upon probation, any patient, when in his opinion the same would not prove injurious to the patient or dangerous to the community. A report of all such probations shall be rendered to the said board of three directors at their first ensuing meeting.

C. S. 6216. **Bonds for safe-keeping of insane persons; enforcement.** All bonds executed for restraining insane persons from committing injuries, and for their safe-keeping, support and care, shall be payable to the State of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the Superior Court of the county wherein said insane person is settled, for safe-keeping, and may be put in

suit by any person injured by said insane person by reason of his insane condition and shall be put in suit by the solicitor for the judicial district in which the county of said insane person's residence is situated, for any other breach thereof, wherein the damage received shall be for the use of said insane person.

C. S. 6217. **Form of bond for safe-keeping of insane.** The form of bond mentioned in the preceding section shall be as follows:

STATE OF NORTH CAROLINA, County of_____.

KNOW ALL MEN BY THESE PRESENTS, That we, A_____, B_____, principal, and C_____, D_____, and E_____, F_____, sureties, are held and firmly bound unto the State of North Carolina in the sum of_____dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals, this_____day of_____, 19____.

The condition of the above obligation is this:

WHEREAS, The said A_____, B_____, with the view of hindering G_____, H_____, an insane person resident in the county aforesaid, from being sent to_____insane hospital (or to effect his release from the said hospital, as the case may be), hath undertaken to restrain him from committing injuries and to keep, maintain, support, and take care of the said G_____, H_____. Now, if the said A_____, B_____, shall faithfully comply with the condition of this obligation, then the same shall be void, otherwise it shall be in full force.

A_____, B_____, (SEAL)
C_____, D_____, (SEAL)
E_____, F_____, (SEAL)

C. S. 6218. **Patient returned, if condition of bond not complied with.** Whenever it shall be made to appear to the clerk of the Superior Court of the county of settlement of an insane person released on bond that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper hospital by him, unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation; and whenever said insane person shall be sent back, he shall not be delivered on any new bond of the defaulting obligor.

CRIMINAL INSANE

C. S. 6236. **Insane persons charged with crime to be committed to hospital.** All persons who may hereafter commit crime while insane, and all persons who, being charged with crime, and are adjudged to be insane at the time of their arraignment, and for that reason can not be put on trial for the crimes alleged against them, shall be sent by the court before whom they are or may be arraigned for trial, when it shall be ascertained by due course of law that such person is insane and cannot plead, to the State Hospital at Raleigh, if the alleged criminal is white, or to the State Hospital at Goldsboro, if the alleged criminal is colored, and if the alleged criminal is an Indian from Robeson County, to the State Hospital at Raleigh, as provided for insane Indians from Robeson County, and they shall be confined therein under the rules and regulations prescribed by the board of directors under the authority of this article, and they shall be

treated, cared for, and maintained in said hospital. As a means of such care and treatment, the said boards of directors may make rules and regulations under which the persons so committed to said institutions may be employed in labor upon the farms of said institutions under such supervision as said boards of directors may direct: *Provided*, that the superintendent and medical director of the hospital shall determine, in each case, that such employment is advantageous in the physical or mental treatment of the particular inmate to be so employed. Their confinement in said hospital, shall not be regarded as punishment for any offense.

See Biennial Report of Attorney General—1923-1924—*Pages* 257, 258, 264, 265.

C. S. 6237. **Persons acquitted of certain crimes or incapable of being tried, on account of insanity, committed to hospital.** When a person accused of the crime of murder, attempt at murder, rape, assault with the intent to commit rape, highway robbery, train wrecking, arson, or other crime, shall have escaped indictment or shall have been acquitted upon trial upon the ground of insanity, or shall be found by the court to be without sufficient mental capacity to undertake his defense or to receive sentence after conviction, the court before which such proceedings are had shall detain such person in custody until an inquisition shall be had in regard to his mental condition. The judge shall, at the term of court at which such person is acquitted, cause notice to be given in writing, to such person and his attorney, and, if in his good judgment it be necessary to his nearest relative, naming the day upon which he shall proceed to make an inquisition in regard to the mental condition of such person. The judge shall cause such witness to be summoned and examined as he may deem proper or as the person so acquitted or his counsel may desire. At such inquisition the judge shall cause the testimony to be taken in writing and be preserved, and a copy of which shall be sent to the superintendent of the hospital designated in section 6236. If upon such inquisition the judge shall find that the mental condition or disease of such person is such as to render him dangerous either to himself or other persons, and that his confinement for care, treatment, and security demands it, he shall commit such person to the hospital designated in section 6236, to be kept in custody therein for treatment and care as herein provided. Such person shall be kept therein, unless transferred under the previous provisions of this chapter, until restored to his right mind, in which event it shall be the duty of the authorities having the care of such person to notify the sheriff of the county from which he came, who shall order that he appear before the judge of the Superior Court of the district, to be dealt with according to law. The expense incident to such commitment and removal shall be paid by the county authorities from which such patient was sent.

C. S. 6238. **Convicts becoming insane committed to hospital.** All convicts becoming insane after commitment to the State prison, and the fact being certified as now required by law in the case of other insane persons, shall be admitted to the hospital designated in section 6236. In case of the expiration of the sentence of any convict insane person, while such person is confined to the said hospital, such person shall be kept until restored to his right mind or such time as he may be considered harmless and incurable.

C. S. 6239. **Persons acquitted of crime on account of insanity; how discharged from hospital.** No person acquitted of a capital felony on the

ground of insanity, and committed to the hospital designated in section 6236 shall be discharged therefrom unless an act authorizing his discharge be passed by the General Assembly. No person acquitted of a crime of a less degree than a capital felony and committed to the hospital designated in section 6236 shall be discharged therefrom except upon an order from the Governor. No person convicted of a crime, and upon whom judgment was suspended by the judge on account of insanity, shall be discharged from said hospital except upon the order of the judge of the district or of the judge holding the courts of the district in which he was tried: *Provided*, that nothing in this section shall be construed to prevent such person so confined in the hospitals designated in section 6236 from applying to any judge having jurisdiction for a writ of habeas corpus. No judge issuing a writ of habeas corpus upon the application of such person shall order his discharge until the superintendents of the several hospitals shall certify that they have examined such person and find him to be sane, and that his detention is no longer necessary for his own safety or the safety of the public.

C. S. 6240. **Proceedings in case of recovery of patient charged with crime.** Whenever a person confined in any hospital for the insane, and against whom an indictment for crime is pending, has recovered or has been restored to normal health and sanity, the superintendent of such hospital shall notify the clerk of the court of the county from which said person was sent, and the clerk will place the case against said person upon the docket of the Superior or Criminal Court of his county for trial, and the person shall not be discharged without an order from said court. In all cases where such person confined in said hospital shall have recovered his mind, the clerk of the court of the county from which he was committed shall fix the amount of bail required for his appearance at the next term of the Superior or Criminal Court of his county for trial, except in cases where the offense charged is a capital felony, and in this case only the judge of the Superior Court residing within or holding the courts of said district shall have the power to fix bail. If the person confined in the hospital, and reported sane as aforesaid, shall give the bond fixed by the clerk or judge as above provided for, he shall be discharged by the superintendent, and if he does not give the bond, he shall be transferred to the jail of the county from which he was committed. The superintendent will notify the sheriff of said county, and the sheriff will remove the person to the jail of his county. The sheriff will pay the expenses of such removal, and the county of the person's settlement will repay the sheriff for his expenses and services.

C. S. 6241. **Ex-convicts with homicidal mania committed to hospital.** Whenever any person who has been confined in the State prison under sentence for the felonious killing of another person, and who has been discharged therefrom at the expiration of his term of sentence, or as the result of executive clemency, shall thereafter so act as to justify the belief that he is possessed of a homicidal mania, and shall be duly adjudged insane, in accordance with the provisions of article three of this chapter, the clerk of the Superior Court or other officer having jurisdiction of the proceedings in which such person shall be adjudged insane may, in his discretion, commit such person to the State hospital designated in section 6236, as authorized and provided in this chapter.

C. S. 6242. **Hospital authorities to receive and treat such patients.** It shall be the duty of the duly constituted authorities of the State hospitals designated in this act for the insane to receive all such insane persons

as shall be committed to said institutions in accordance with the provisions of this law, and to treat and care properly for the same until discharged in accordance with the provisions of the law.

See Biennial Report of Attorney General—1924-1926—*Pages* 289, 300.

INEBRIATES

C. S. 2304(a). **"Inebriate" defined.** For the purposes of this law, the word "inebriate" is defined to be a person habitually so addicted to alcoholic drinks or narcotic drugs as to be a proper subject for restraint, care, and treatment.

C. S. 2304(b). **Petition for examination; warrant for hearing; action without petition; evidence.** Upon petition of two citizens, who shall be either the wife, husband, parent, child, committee of the estate of an inebriate, or next friends of such person, the clerk of the Superior Court of the county in which said alleged inebriate resides shall issue his warrant requiring the inebriate, on a day fixed, to be brought into court for a hearing. The petition shall not be considered unless it sets forth that the person named therein is an inebriate within the scope of this law, and unless it be accompanied by the affidavit or affidavits of at least two reputable physicians, stating that they have examined the alleged inebriate, and that he is a proper subject for restraint, care, and treatment, or the clerk may, on his own initiative, where he has information and reasonable grounds to believe that a particular person is an inebriate and is a fit subject for restraint, care, and treatment, cause such person to be brought before him and proceed to hear and try the question of whether or not he is an inebriate within the definition of the preceding section. If two reputable physicians shall certify before him that such person is an inebriate, he may commit such an inebriate as herein provided to the department of the State hospital at Raleigh provided for the care and treatment of such inebriate.

C. S. 2304(c). **Commitment for treatment; discharge.** If after such hearing the clerk is satisfied that the alleged inebriate is a proper subject for restraint, care, and treatment, he shall commit the inebriate to the department for inebriates at the State Hospital in Raleigh, where he shall be treated, subject to the same rules and regulations as provided for the treatment and cure of curable insane persons, and he shall be discharged therefrom under the same rules and regulations.

C. S. 2304(d). **Inquiry as to estate of inebriate; minors; costs; expenses.** After the clerk shall determine that an inebriate is a fit subject to be committed to the department for inebriates as aforesaid, he shall go further and inquire as to whether said inebriate is indigent or not in such way that he has not in his own right sufficient estate or property to bear the cost and expense of his restraint, care and treatment while in the institution. If he is so indigent, then he shall inquire further whether or not the petitioning wife or husband has sufficient estate to pay such costs. If the inebriate is a minor he shall determine whether his particular guardian or parent has sufficient estate of the inebriate or his own, if a parent, to pay such costs. In any of these instances, if sufficient estate or property is found to pay such costs, the clerk shall adjudge the payment from such estate, and in all cases, if the petitioning parent has property sufficient to pay, he shall be adjudged to pay costs of the treatment of his minor child. But if in none of these cases sufficient property

is found to pay such costs and expenses, the inebriate shall be declared indigent and the actual cost and expense of restraint, care, and treatment of indigent inebriates as herein defined shall be borne and paid by the county from which the inebriate is committed: *Provided*, that there shall not be included in such cost and expense any charge except for board and clothing.

C. S. 2304(e). **Inebriate submitting himself for treatment.** Any inebriate within the definition of section 2304(a) who wishes to submit himself for care and treatment in the department for inebriates at the State Hospital at Raleigh, may be received therein as a patient upon his presentation of himself personally at the institution and making arrangements with the superintendent for the actual cost of his detention and treatment. He shall signify his desire in writing, and promise therein to submit himself to the rules and regulations for the government of the institution. When this is done he shall be detained therein and given adequate care and attention. After he has been so detained for thirty days he may secure his release and discharge by ten days notice in writing to the superintendent, or to any one of the assistant physicians in charge of such institution: *Provided*, said physician or physicians are satisfied that said inebriate has sufficiently recovered to return to his home and not become a menace or charge to society.

C. S. 2304(f). **Department for inebriates.** It shall be the duty of the trustees and superintendent of the State Hospital at Raleigh to prepare and set apart a department for such inebriates on or before the first day of May, one thousand nine hundred and twenty-two.

PRIVATE HOSPITALS FOR THE INSANE

C. S. 6219. **Established under license and subject to control of Board of Charities.** It shall be lawful for any person or corporation to establish private hospitals, homes, or schools for the cure and treatment of insane persons, idiots, and feebleminded persons and inebriates; but license to establish said hospitals, homes, or schools must, before the same are opened for patronage, be obtained from the board of charities and public welfare, and said hospitals, homes, or schools shall at all times be subject to the visitation of the said board or any member thereof, and each hospital, home, or school shall make to the board a semi-annual report on the first days of January and July of each year.

In said report shall be stated the number and residence of all patients admitted, the number discharged during the six months preceding, and the officers of the hospital, home, or school. Each hospital, home, or school shall file with the board a copy of its by-laws, rules and regulations, and rates of charges. The books of each hospital, home, or school shall at all times be open to the inspection of the board or any member thereof. The board of charities and public welfare is hereby given the authority to supervise and regulate all private hospitals, homes, and schools established hereafter in this State for the treatment of the above classes of people, and the board shall have power to prescribe all such rules and regulations as they may deem necessary and shall exercise the power of visitation, and for that purpose may depute any member of their board to visit and supervise any private hospital, home, or school hereafter established under this article. The State Board of Charities may bring an action in the Superior Court of Wake County to vacate and annul any license granted by the board, when it shall appear to the satisfaction of the board that the managers of any private hospital, home, or school have been guilty of gross neglect, cruelty, or immorality.

C. S. 6220. **Counties and towns may establish hospitals.** Any county, city, or town may establish a hospital for the maintenance, care, and treatment of such insane persons as cannot be admitted into a State hospital, and of idiots and feebleminded persons upon like conditions and requirements as are above prescribed for the institution of private hospitals; and the board of charities and public welfare is given the same authority over such hospitals as is given them by the preceding section for private hospitals.

C. S. 6221. **Private hospitals part of public charities.** All hospitals, homes, or schools for the care and treatment of insane persons, idiots and feebleminded persons and inebriates, formed in compliance with the two preceding sections and duly licensed by the board of charities and public welfare, as in this article provided, shall during the continuance of such license, become and be a part of the system of public charities of the State of North Carolina.

C. S. 6222. **Insane persons placed in private hospital.** Whenever any person shall be found to be insane in the mode hereinbefore prescribed and such person shall be possessed of an income sufficient to support those who may be legally dependent for support on the estate of such insane person, and, moreover, to support and maintain such insane person in any named hospital without the State, or any private hospital within the State, and such insane person, if of capable mind to signify such preference, shall, in writing, declare his wish to be placed in such hospital instead of being in a State hospital (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian), and two respectable physicians who shall have examined such insane person, with the clerk of the court or justice of the peace who made the examination, shall deem it proper, then it may be lawful for the clerk or justice, together with said physicians, to recommend in writing that such insane person shall be placed in the hospital so chosen, as a patient thereof.

C. S. 6223. **Justice of the peace to report to clerk.** It shall be the duty of the justice, when he shall act, to report the proceedings in such cases to the clerk of the Superior Court of the county in which such insane person may reside or be domiciled.

C. S. 6224. **Clerk to report proceedings to judge.** The clerk of the court shall lay the proceedings before the judge of the Superior Court of the district in which such insane person may reside or be domiciled, and if he approve them, he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by the clerk.

C. S. 6225. **Certified copy and approval of judge sufficient authority.** A certified copy of such proceedings, with the approval of a judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the judge to remove him to the hospital designated.

C. S. 6226. **Examination and commitment to private hospital.** When it is deemed advisable that any person, a citizen of the State of North Carolina, or a citizen of another state or country temporarily sojourning in North Carolina, should be detained in any private hospital within the State, two persons, one of whom must be a physician, not connected with any private hospital, shall make affidavit before a justice of the peace or a

clerk of the Superior Court of this State that they have carefully examined the alleged insane person; that they believe him to be a fit subject for commitment to a hospital for the insane, and that his detention and treatment will be for his advantage and benefit. This certificate shall be filed and approved by the clerk of the Superior Court in the county in which the examination is held, or in the county in which the private hospital is located, and a certified copy of this certificate and approval of the clerk shall be deposited with the superintendent of the private hospital as his authority for holding the insane person. The clerk of the court may, if he sees fit, issue warrants and have the alleged insane person before him in manner prescribed in article three of this chapter for the examination and admission to State hospitals, and he may, if he sees fit, order any insane person brought before him to be taken to a private hospital within the State instead of one of the State hospitals, and his warrant shall be sufficient authority for holding such insane person in such private hospital. Idiots, feebleminded persons, and inebriates may be committed to and held in private hospitals or homes in this State in the manner hereinbefore prescribed for insane persons: *Provided*, that a period of detention in a private hospital or home of not less than one month and not more than six months shall be prescribed for inebriates, at the discretion of the clerk of the Superior Court approving the commitment.

C. S. 6227. **Patients transferred from State hospital to private hospital.** When it is deemed desirable that any inmate of any State hospital be transferred to any licensed private hospital within the State, the executive committee may so order, and a certified copy of the commitment on file at the State hospital and the order of the executive committee shall be sufficient warrant for holding the insane person, idiot, or inebriate by the officers of the private hospital.

C. S. 6228. **Guardian of insane person to pay expenses out of estate.** It shall be the duty of any person having legal custody of the estate of an insane person, idiot, or inebriate legally held in a private hospital to supply funds for his support in the hospital during his stay therein, and so long as there may be sufficient funds for that purpose over and beyond maintaining and supporting those persons who may be legally dependent on the estate.

C. S. 6229. **Fees and charges for examination.** The fees and charges for examination for admission to private hospitals shall be the same as for examinations for admission to the State hospitals.

MARRIAGE AND DIVORCE

MARRIAGE

C. S. 2493. **Requisites of marriage; solemnization.** The consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, and in the presence of an ordained minister of any religious denomination, minister authorized by his church, or of a justice of the peace, and the consequent declaration by such minister or officer that such persons are man and wife, shall be a valid and sufficient marriage: *Provided*, that the rite of marriage among the Society of Friends, according to a form and custom peculiar to themselves, shall not be interfered with by the provisions of this chapter: *Provided further*, marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation.

C. S. 2494. **Capacity to marry.** All unmarried male persons of sixteen years, or upwards, of age, and all unmarried females of sixteen years, or upwards, of age, may lawfully marry, except as hereinafter forbidden: *Provided*, that females over fourteen years of age, and under sixteen years of age may marry under a special license to be issued by the register of deeds, which said special license shall only be issued after there shall have been filed with the register of deeds a written consent to such marriage, signed by one of the parents of the female or signed by that person standing *in loco parentis* to such female, and the fact of the filing of such written consent shall be set out in said special license.

C. S. 2495. **Want of capacity; void and voidable marriages.** All marriages between a white person and a negro or Indian, or between a white person and person of negro or Indian descent to the third generation, inclusive, or between a Cherokee Indian of Robeson County and a negro, or between a Cherokee Indian of Robeson County and a person of negro descent to the third generation, inclusive, or between any two persons nearer of kin than first cousins, or between a person under fourteen years of age and any male, or between persons either of whom has a husband or wife living at the time of such parriage, or between persons either of whom is at the time physically impotent, or is incapable of contracting from want of will or understanding, shall be void: *Provided*, double first cousins may not marry; and *Provided further*, that no marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section, except for that one of the parties was a white person and the other a negro or Indian, or of negro or Indian descent to the third generation, inclusive, and for bigamy.

C. S. 2500(a). **Certificate of health for applicants for license.** No license to marry shall be issued by the register of deeds of any county to a male applicant therefor except upon the presentation by the said male applicant of a certificate executed within seven days from the time of the presentation of said certificate to the register of deeds as hereinafter provided, showing the nonexistence of any venereal disease, the nonexistence of tuberculosis in the infectious stages, and that the applicant has not been adjudged by a court of competent jurisdiction an idiot, imbecile, or of unsound mind. No license shall be issued to any female applicant who shall not present a certificate showing the nonexistence of tuberculosis in

the infectious stages, and that she has not been adjudged by a court of competent jurisdiction to be of unsound mind.

C. S. 2500(b). **Certificates executed by what physician.** The certificate referred to in the preceding section shall be executed by any reputable physician licensed to practice medicine and surgery in the State and who shall reside within the county in which said license to marry shall be applied for; or by the county health officer of such county, whose duty it shall be to examine such applicants and issue such certificates without charge: *Provided*, where a city or town is located in two or more counties, then a physician who practices medicine and surgery in the State, and lives in said city may examine applicants and execute such certificates in either county in which said city may be located. Such physician residing without the county in which the marriage is to take place may issue such certificate when the clerk of the Superior Court of the county in which such physician resides certifies under his hand and seal that the person who signs such certificate is a reputable physician and surgeon, actually engaged in the practice of his profession. This clause, however, shall not be interpreted as applying to physicians residing in the town or city located in two counties: *Provided further*, that any physician who practices medicine and surgery in the State and lives within a radius of three miles of the county line in which the license is applied for may examine and execute such certificate.

C. S. 2500(c). **Issuing license without certificate a misdemeanor.** Any register of deeds who issues a license to marry without the presentation of the certificate provided for in the preceding sections, or contrary to the provisions of this law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned for thirty days in the discretion of the court.

C. S. 2500(d). **False statement by a physician a misdemeanor.** Any physician who shall knowingly and wilfully make any false statement in the certificate hereinbefore provided for shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars, or imprisoned for not more than six months.

PUBLIC LAWS 1929, CHAPTER 161. **Notice required before issuing marriage license.**

SECTION 1. On and after July first, one thousand nine hundred and twenty-nine, application for a marriage license shall be filed with the register of deeds at least five days prior to the issuance of such license, giving the names, ages, and addresses of the contracting parties, together with the names of the parents or persons in loco parentis: *Provided*, that upon the application of either of the parties to a proposed marriage the clerk of the Superior Court of the county in which the license is to be issued may, upon satisfactory evidence being presented to him, or upon the request of the parent or parents or guardian, if any, of the contracting parties, by order authorize the license to be issued at any time before the expiration of said five days.

SEC. 2. This act shall not apply to marriages publicly announced through the press at least five days before the proposed marriage. This act shall not apply to persons over twenty-one years of age.

C. S. 4444. **Age of legal marriage.** If any person shall marry a female under the age of fourteen years, he shall be guilty of a misdemeanor.

See Biennial Report of Attorney General—1924-1926—*Pages* 340, 341.

C. S. 4340. **Miscegenation.** All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are forever prohibited, and shall be void. Any person violating this section shall be guilty of an infamous crime, and shall be punished by imprisonment in the county jail or State's prison for not less than four months nor more than ten years, and may also be fined, in the discretion of the court.

C. S. 4341. **Issuing license for marriage between white person and negro; performing marriage ceremony.** If any register of deeds shall knowingly issue any license for marriage between any person of color and a white person; or if any clergyman, minister of the gospel or justice of the peace shall knowingly marry any such person of color to a white person, the person so offending shall be guilty of a misdemeanor.

C. S. 4342. **Bigamy.** If any person, being married, shall marry any other person during the life of the former husband or wife, every such offender, and every person counseling, aiding or abetting such offender, shall be guilty of a felony, and shall be imprisoned in the State's Prison or county jail for any term not less than four months nor more than ten years. Any such offense may be dealt with, tried, determined and punished in the county where the offender shall be apprehended, or be in custody, as if the offense had been actually committed in that county. If any person, being married, shall contract a marriage with any other person outside of this State, which marriage would be punishable as bigamous if contracted within this State, and shall thereafter cohabit with such person in this State, he shall be guilty of a felony and shall be punished as in cases of bigamy. Nothing contained in this section shall extend to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to have been living within that time; nor to any person who at the time of such second marriage shall have been lawfuly divorced from the bond of the first marriage; nor to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

C. S. 4339. **Seduction.** If any man shall seduce an innocent and virtuous woman under promise of marriage, he shall be guilty of a felony, and upon conviction shall be fined or imprisoned at the discretion of the court, and may be imprisoned in the State's Prison not exceeding the term of five years: *Provided,* the unsupported testimony of the woman shall not be sufficient to convict: *Provided further,* that marriage between the parties shall be a bar to further prosecution hereunder. But when such marriage is relied upon by the defendant, it shall operate as to the costs of the case as a plea of nolo contendere, and the defendant shall be required to pay all the costs of the action or be liable to imprisonment for nonpayment of the same.

DIVORCE

C. S. 1659. **Grounds for absolute divorce.** Marriages may be dissolved and the parties thereto divorced the bonds of matrimony, on application of the party injured, made as by law provided, in the following cases:

1. If the husband or wife commits adultery.
2. If either party at the time of the marriage was and still is naturally impotent.

3. If the wife at the time of the marriage is pregnant, and the husband is ignorant of the fact of such pregnancy and is not the father of the child with which the wife was pregnant at the time of marriage.
4. If there has been a separation of husband and wife whether voluntary or involuntary, provided such involuntary separation is in consequence of a criminal act committed by the dependent prior to such divorce proceedings, and they have lived separate and apart for five consecutive years, and the plaintiff in the suit for divorce has resided in this State for that period. (As amended by Chapter 6, Public Laws 1929.)
5. If any person shall commit the abominable and detestable crime against nature, with mankind, or beast. (Chapter 397, Public Laws 1931.)

PUBLIC LAWS 1931. CHAPTER 72. **Divorces granted either party.** SECTION 1. Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony, on application of either party, if and when there has been a separation of husband and wife, either under deed of separation or otherwise, and they have lived separate and apart for five years, and no children have been born to the marriage, and the plaintiff in the suit for divorce has resided in the State for that period.

SEC. 2. That this Act shall be in addition to other acts and not construed as repealing other laws on the subject of divorces.

MORALS AND VENEREAL DISEASES

PROSTITUTION

C. S. 4357. **Definition of terms.** The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment.

See Biennial Report of Attorney General—1924-1926—*Page* 284.

C. S. 4358. **Prostitution and various acts abetting prostitution unlawful.** It shall be unlawful:

1. To keep, set up, maintain, or operate any place, structure, building or conveyance for the purpose of prostitution or assignation.

2. To occupy any place, structure, building, or conveyance for the purpose of prostitution or assignation; or for any person to permit any place, structure, building, or conveyance owned by him or under his control to be used for the purpose of prostitution or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose.

3. To receive, or to offer or agree to receive any person into any place, structure, building, or conveyance for the purpose of prostitution or assignation, or to permit any person to remain there for such purpose.

4. To direct, take, or transport, or to offer or agree to take or transport, any person to any place, structure, or building or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution or assignation.

5. To procure, or to solicit, or to offer to procure or solicit for the purpose of prostitution or assignation.

6. To reside in, enter, or remain in any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution or assignation.

7. To engage in prostitution or assignation, or to aid or abet prostitution or assignation by any means whatsoever.

C. S. 4359. **Prosecution; in what courts.** Prosecutions for the violation of any of the provisions of this article shall be tried in the courts of this State wherein misdemeanors are triable except those courts the jurisdiction of which is so limited by the Constitution of this State that such jurisdiction cannot by statute be extended to include criminal actions of the character herein described.

C. S. 4360. **Reputation and prior conviction admissable as evidence.** In the trial of any person charged with a violation of any of the provisions of this article, testimony of a prior conviction, or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant, shall be admissable in evidence in support of the charge.

C. S. 4361. **Degrees of guilt.** Any person who shall be found to have committed two or more violations of any of the provisions of section 4358

of this article within a period of one year next preceding the date named in an indictment, information, or charge of violating any of the provisions of such section, shall be deemed guilty in the first degree. Any person who shall be found to have committed a single violation of any of the provisions of such section shall be deemed guilty in the second degree.

C. S. 4362. **Punishment; probation; parole.** Any person who shall be deemed guilty in the first degree, as set forth in the preceding section, shall be guilty of a misdemeanor, and may be fined or imprisoned in the discretion of the court, or may be committed to any penal or reformatory institution in this State: *Provided*, that in case of a commitment to a reformatory institution, the commitment shall be made for an indeterminate period of time not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or to place on parole any person so committed after the service of the minimum term or any part thereof, and to require the return to said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

Any person who shall be deemed guilty in the second degree, as set forth in the preceding section, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court: *Provided*, that the defendant may be placed on probation in the care of a probation officer designated by law, or theretofore appointed by the court.

Probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

No girl or woman who shall be convicted under this article shall be placed on probation or parole in the care or charge of any person except a woman probation officer.

C. S. 4343. **Fornication and adultery.** If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a misdemeanor: *Provided*, that the admissions or confessions of one shall not be received in evidence against the other.

C. S. 4344. **Inducing female persons to enter hotels or boarding-houses for immoral purposes.** Any person who shall knowingly persuade, induce or entice, or cause to be persuaded, induced or enticed, any woman or girl to enter a hotel, public inn or boarding-house for the purpose of prostitution or debauchery or for any other immoral purpose, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 2283(v). **Registration to be in true name; addresses. Peace officers.** No person shall write, or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging-house or hotel any other or different name or designation than the true name or names in ordinary use of the person registering or causing himself to be registered therein. That any person occupying any room or rooms in any lodging-house or hotel shall register or cause himself to be registered where registration is required by such lodging-house or hotel. That any person registering or causing himself to be registered at any lodging-house or hotel shall write, or cause to be written, in the register

of such lodging-house or hotel the correct address of the person registering, or cause himself to be registered. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars ($200). That this act shall not apply to any peace officer of this State who shall privately give his true name to the clerk or proprietor of such hotel or lodging-house.

C. S. 4345. **Opposite sexes occupying same bedroom at hotel for immoral purposes; falsely registering as husband and wife.** Any man and woman found occupying the same bedroom in any hotel, public inn or boarding-house for any immoral purpose, or any man and woman falsely registering as, or otherwise representing themselves to be, husband and wife in any hotel, public inn or boarding-house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

C. S. 4346. **Permitting unmarried female under eighteen in house of prostitution.** Whoever, being the keeper of a house of prostitution, or assignation house, building or premises in this State where prostitution, fornication, or concubinage is allowed or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or room in such house, building or premises, shall be guilty of a misdemeanor.

C. S. 4348. **Obscene literature, indescent exposure, and lewd dances.** If any person shall exhibit for the purpose of gain, lend for hire or otherwise publish or sell for the purpose of gain, or exhibit in any school, college or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representation; or if any person shall post any indecent placards, writings, pictures or drawings on walls, fences, billboards or other places; or if any person shall make any public exposure of the person or other indecent exhibition, or take part in any immoral show, exhibit or performance, where indecent, immoral or lewd dances or plays are conducted, in any booth, tent, room or other place to which the public is invited; or if any one shall permit such exhibitions or immoral performances to be conducted in any tent, booth, or other place owned or controlled by him, he shall be guilty of a misdemeanor.

C. S. 4353. **Lewd women within three miles of colleges and boarding-schools.** If any loose woman or woman of ill-fame shall commit any act of lewdness with or in the presence of any student, who is under twenty-one years old, of any boarding-school or college, within three miles of such school or college, she shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Upon the trial of any such case students may be competent but not compellable to give evidence. No prosecution shall be had under this section after the lapse of six months.

VENEREAL DISEASE

C. S. 7191. **Venereal infection.** That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for any one infected with these diseases or any of them to expose another person to infection.

C. S. 7192. **Reporting cases.** Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the North Carolina State Board of Health shall direct.

C. S. 7193. **Investigations and examinations.** State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

C. S. 7194. **Prisoners treated.** All persons who shall be confined or imprisoned in any State, county or city prison in the State, shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 7193, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the North Carolina State Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 7193. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

C. S. 7195. **Board of Health may make rules.** The North Carolina State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 7193, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

C. S. 7196. **Expenses authorized.** The North Carolina State Board of Health, through its officers, are hereby empowered and authorized to incur such expenses in the examination, detention, quarantine and treatment of persons suspected of having, or having had venereal disease, as in their judgment necessary.

C. S. 7197. **Payment of expenses.** The North Carolina State Board of Health shall submit to the county commissioners of the county in which persons suspected of having, or having had venereal diseases, are suspected of having spread the disease, an itemized statement of expenses incurred in the examination, detention, quarantine, or treatment of such persons, and the county commissioners shall, within thirty days after the receipt of such statement of expenses, pay to the treasurer of the North Carolina State Board of Health a sum equal to that expended.

C. S. 7198. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the North Carolina State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five ($25) dollars, nor more than fifty ($50) dollars, or by imprisonment for not more than thirty days.

C. S. 7199. **Treatment except by physician unlawful.** It shall be unlawful for any person except a regularly licensed physician to prescribe or give away any medicine for the treatment of any person afflicted with any venereal disease.

C. S. 7200. **Reports by druggists.** Any druggist or other person who sells at retail any patented, proprietary, or trade-mark remedy or alleged remedy advertised or recommended or sold for or used in the treatment of venereal diseases (gonorrhea, syphilis, or chancroid) or lost manhood, impotency, or sterility, or medicinal preparations containing the oils of cubebs, copaiba, sandalwood, or the oils themselves, iodides of mercury, or preparations compounded for urethral injections, shall report weekly, on forms and in accordance with instructions supplied by the North Carolina State Board of Health, the sale of such remedies, or alleged remedies, to the Bureau of Venereal Diseases of the North Carolina State Board of Health.

C. S. 7201. **Obtaining prescription under false pretense a misdemeanor.** Any person who in obtaining a prescription from a physician under section 7199 of this act, or in obtaining drugs or remedies mentioned in section 7200 of this act, gives a false or assumed name or address, shall be guilty of a misdemeanor and subject to the penalties imposed in section 7206 of this act.

C. S. 7204. **Druggists to keep records of prescriptions.** Any and all prescriptions for venereal diseases (gonorrhea, syphilis, or chancroid) or impotency, sterility, or lost manhood, or prescriptions containing the drugs, remedies, or alleged remedies mentioned in section 7200 of this act, shall be kept by a druggist on a separate file and shall be subject at any reasonable hour to inspection by an officer of the North Carolina State Board of Health.

C. S. 7205. **Purchaser of remedies may be examined.** The State Health officer or his deputy or agent may require any purchaser of remedies or alleged remedies designated in section 7200 of this act and who may be reasonably supposed to be infected with a venereal disease, to appear before a regularly licensed physician, quarantine officer or agent, for examination for the said disease.

C. S. 7206. **Violation a misdemeanor.** Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned for not exceeding thirty days.

POOR RELIEF AND LEGAL SETTLEMENT

C. S. 1335. **Support of poor; superintendent of county home; paupers removing to county.** The board of commissioners of each county is authorized to provide by taxation for the maintenance of the poor, and to do everything expedient for their comfort and well ordering. They may employ biennially some competent person as superintendent of the county home for the aged and infirm, and may remove him for cause. They may institute proceedings against any person coming into the county who is likely to become chargeable thereto, and cause his removal to the county where he was last legally settled; and they may recover from such county by action all charges and expenses incurred for the maintenance or removal of such poor person.

C. S. 1336. **County home for aged and infirm.** All persons who become chargeable to any county shall be maintained at the county home for the aged and infirm, or at such place or places as the board of commissioners select or agree upon.

C. S. 1337. **Records for county, how to be kept.** The keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and per capita expense of home per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare; and give a full and accurate report to the county commissioners and to the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday in December of each year.

C. S. 1338. **Support of county home.** The board of commissioners may provide for the support of the persons admitted by them to the home for the aged and infirm by employing a superintendent at a certain sum, or by paying a specified sum for the support of such persons to any one who will take charge of the county home for the aged and infirm, as said board may deem for the best interest of the county and the cause of humanity.

C. S. 1339. **Property of indigent to be sold or rented.** When any indigent person who becomes chargeable to a county for maintenance and support in accordance with the provisions of this article, owns any estate, it is the duty of the board of commissioners of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided under article three of the chapter entitled Insane Persons and Incompetents, or they may take possession thereof and rent the same out and apply the rent toward the support of such indigent person.

C. S. 1340. **Families of indigent militiamen to be supported.** When any citizen of the State is absent on service as a militiaman or member of the State guard, and his family are unable to support themselves during his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

C. S. 1341. **Paupers not to be hired out at auction.** No pauper shall be let out at public auction, but the board of commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county home for the aged and infirm, as may be deemed best.

C. S. 1342. **Legal settlements; how acquired.** Legal settlements may be acquired in any county, so as to entitle the party to be supported by such county, in the manner following, and not otherwise:

1. *By one year's residence.* Every person who has resided continuously in any county for one year shall be deemed legally settled in that county.

2. *Married women to have settlement of their husbands.* A married woman shall always follow and have the settlement of her husband, if he have any in the State; otherwise, her own at the time of her marriage, if she then had any, shall not be lost or suspended by the marriage, but shall be that of her husband, till another is acquired by him, which shall then be the settlement of both.

3. *Legitimate children to have settlement of father.* Legitimate children shall follow and have the settlement of their father, if he has any in the State, until they gain a settlement of their own; but if he has none, they shall, in like manner, follow and have the settlement of their mother, if she has any.

4. *Illegitimate children to have settlement of mother.* Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the State. But neither legitimate nor illegitimate children shall gain a settlement by birth in the county in which they may be born, if neither of their parents had any settlement therein.

5. *Settlement to continue until new one acquired.* Every legal settlement shall continue till it is lost or defeated by acquiring a new one, within or without the State; and upon acquiring such new settlement, all former settlements shall be defeated and lost.

6. *Settlement of paupers coming into the State.* No person coming into the State of North Carolina from another State shall be deemed to have a settlement in this State for the purpose of this section, until he or she has resided continuously three years within the State, unless at the time of so migrating he or she was able to maintain himself in such sense as that he or she would not be deemed a pauper within the meaning of article eight, chapter twenty-four of the Consolidated Statutes one thousand nine hundred and nineteen. (Chapter 120, Public Laws 1931.)

C. S. 1343. **Removal of indigent to county of settlement; maintenance; penalties.** Upon complaint made by the chairman of the board of county commissioners, before a justice of the peace, that any person has come into the county who is likely to become chargeable thereto, the justice, by his warrant, shall cause such poor person to be removed to the county where he was last legally settled; but if such poor person is sick or disabled, and cannot be removed without danger of life, the board of commissioners shall provide for his maintenance and cure at the charge of the county; and after his recovery shall cause him to be removed, and pay the charges of his removal. The county wherein he was last legally settled shall repay all charges occasioned by his sickness, maintenance, cure and removal, and all charges whatever, if such person die before removal. If the board of commissioners of the county to which such poor person

belongs refuses to receive and provide for him when removed as aforesaid, every commissioner so refusing shall forfeit and pay forty dollars, for the use of the county whence the removal was made; moreover, if the board of commissoners of the county where such person was legally settled refuses to pay the charges and expenses aforesaid, they shall be liable for the same. If any housekeeper entertains such poor person without giving notice thereof to the board of commissioners of his county, or one of them, within one month, the person so offending shall forfeit and pay ten dollars.

C. S. 1343(a). **Burial of indigent veterans of the World War.** The county commissioners of any county in North Carolina are authorized, empowered, and directed to appropriate out of the general fund of the county a sum of not more than twenty-five dollars ($25.00) to provide for the burial of any former member of the army, navy, or marine corps, who served in the recent World War, who shall die within the boundaries of the said county and whose estate or relatives are unable to provide for the burial of said veteran, and whose burial has not otherwise been provided for.

C. S. 7179. **Indigent tuberculous to be treated at State sanatorium.** Any city or town in the State of North Carolina, through its board of aldermen, town council, or other governing body, and any county in the State, through its board of commissioners, is hereby authorized and empowered to provide for the treatment of any tubercular person or persons resident in and who is a bona fide citizen of said city, town, or county, at the North Carolina Sanatorium for the treatment of tuberculosis, and pay therefor to the North Carolina Sanatorium for the treatment of tuberculosis an amount which shall not be more than one dollar per day per patient.

DISTRICT HOSPITAL-HOMES

PUBLIC LAWS 1931. CHAPTER 129. **Counties may establish district hospital-home.**

SECTION 1. That any two or more adjacent counties may by action of the county commissioners in said counties, as hereafter provided, establish a District Hospital-Home for the Aged and Infirm, to be located at some suitable place within the counties composing the district, location and purchase to be controlled by a board of trustees appointed by the county commissioners of the respective counties owning and controlling said hospital-home, each county to have one representative. Where only two counties enter the district, the commissioners of the counties concerned shall jointly elect one additional trustee.

SEC. 2. That the county commissioners of the aforesaid counties are hereby authorized and empowered to sell and convey by deed all properties held by the aforesaid counties for the care and maintenance of their county's poor, and from the proceeds of such sale appropriate so much as may be required to meet said county's proportionate part of the funds necessary to perfect the completion of said community home for the aged and infirm as provided herein.

SEC. 3. That should it be deemed wisest not to sell said properties, or should any county not have said properties in its possession, or should any counties have said properties which would not be for sale, the necessary funds shall then be raised by direct taxation within the county or counties preferring this method of raising their pro rata part.

SEC. 4. That the several boards of county commissioners shall, as soon as they shall have agreed among themselves to establish a District Hospital-Home for the Aged and Infirm for their counties, appoint the members of the board of trustees, which board shall be known as the Board of Trustees of the District Hospital-Home for the District Comprising_____, _____, _____ counties; the members of said board of trustees shall be appointed every two years by the boards of county commissioners, the term of office for said trustees shall be two years, and until their successors are chosen and qualified; that all vacancies shall be filled by the several boards of county commissioners and said commissioners shall provide for the expense and compensation of said board of trustees.

SEC. 5. That this board of trustees shall, as soon as possible after appointment, assemble and organize by the election of a chairman, a secretary and a treasurer, which last officer shall be bonded. They shall proceed promptly with the purchase of a site for such hospital-home, including, if they deem it desirable, a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities, and shall then cause to be erected suitable plain, substantial, comfortable and permanent buildings for the accommodation of those for whom this act is intended, giving due regard to the separation of the sexes and races, and such other plans for segregation as their judgment and existing conditions may suggest. Said buildings are to be furnished with plain, substantial furniture, and such other equipment as conditions demand. Necessary hospital facilities may be included, but provisions for such facilities and equipment shall have the approval of the State Board of Charities and Public Welfare and the State Board of Health.

SEC. 6. That the several counties constructing, equipping, and operating a district hospital-home shall pay for the site and for the construction and equipment of the plant in proportion to the population of the individual county to the total population of the several counties comprising the district, but each county shall pay for the number of persons maintained at the hospital-home at the actual per capita cost of such maintenance.

SEC. 7. That the State Board of Charities and Public Welfare shall have prepared plans for such district hospital-home and shall furnish such plans on request to any board of trustees of any district hospital-home at cost; and that all such hospital-homes shall be built in accordance with plans furnished or approved by the State Board of Charities and Public Welfare.

SEC. 8. That as soon as the district hospital-home is ready for occupancy the several county homes or poorhouses, heretofore owned by the several counties, shall be closed and occupants shall be transferred and located in the district hospital-home for the aged and infirm herein provided for.

SEC. 9. That the board of trustees of the said district hospital-home shall elect a capable superintendent or matron, preferably a woman who is a trained nurse, and such other employees as it may deem necessary to the efficient management of said district hospital-home, and shall fix their salaries with due regard to number and condition of inmates occupying said district hospital-home.

SEC. 10. That the board of trustees shall meet at least twice a year for the transaction of such business as their provisions may require. They

shall have the general conduct and management of the district hospital-home's affairs. They shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board.

SEC. 11. That the matter to be considered at any special meeting shall be set out in the call for the special meeting, but any business may be transacted at special meetings which received a two-thirds vote of the entire board of trustees, although not mentioned in the call.

SEC. 12. That the board is vested with all powers not already mentioned which are possessed by boards supervising State institutions.

SEC. 13. That the counties constructing, operating and maintaining a district hospital-home for the aged and infirm shall, as required by law now in force for the care and maintenance of those not able to care for themselves, send such person or persons to the district hospital-home for the aged and infirm in lieu of the county home if it appears to the commissioners and the superintendent of public welfare that such persons need institutional care.

SEC. 14. That as soon after the first day of January of each year as may be practicable the board of trustees shall cause a report to be made of the hospital-home, which report shall show the number of inmates, the county admitting them, date of admission, age, condition of health, sex, color, educational acquirements, diagnosis of disease if diseased, total number of inmates received during the year, average number cared for per month, names and disposition of those dismissed, pro rata cost of maintenance, the total amount of money expended, the total amount of money received from each county, and such information as the State Board of Charities and Public Welfare and the board of trustees of the district hospital-home may request. It shall also show an inventory and appraisement of property, real and personal, and give a strict account of receipts from farm and expenditure thereon, and such other information as may be required to check up the institution from all viewpoints.

SEC. 15. That a copy of the said report of the said board of trustees shall be furnished the county commissioners of the respective counties interested in and providing said district hospital-home.

PRISONS AND PRISONERS

PARDONS AND PAROLES

PUBLIC LAWS OF 1929. CHAPTER 147. **Executive Counsel Provided for in Lieu of Commissioner of Pardons.** SECTION 2. The Governor is hereby authorized and empowered to appoint some competent lawyer well versed in matters pertaining to the executive department of State Government who shall perform the following duties:

(1) Make or conduct all such investigations as may be required of him by the Governor in connection with applications for pardons, commutations and reprieves.

(2) Perform such other duties that may concern, or be connected with, or incidental to, the governmental activities participated in, directed or considered by the Governor.

(3) To make such investigation as the Governor may desire or direct with reference to any institution, board, department, commission, agency, or other matters in which the State is interested.

(4) To perform such other duties as the Governor may direct him to perform.

COUNTY JAIL

C. S. 1317. **Courthouse and jail built and repaired by commissioners.** There shall be kept and maintained in good and sufficient repair in every county a courthouse and common jail, at the expense of the county wherein the same is situated. The boards of commissioners of the several counties respectively shall lay and collect taxes, from year to year, as long as may be necessary, for the purpose of building, repairing and furnishing their several courthouses and jails, in such manner as they think proper; and from time to time shall order and establish such rules and regulations for the preservation of the courthouse, and for the government and management of the prisons, as may be conducive to the interests of the public and the security and comfort of the persons confined.

C. S. 1318. **Jail to have five apartments.** The common jails of the several counties shall be provided with at least five separate and suitable apartments, one for the confinement of white male criminals, one for white female criminals; one for colored male criminals; one for colored female criminals; and one for other prisoners.

C. S. 3944. **Custody of jail.** The sheriff shall have the care and custody of the jail in his county; and shall be, or appoint, the keeper thereof.

See Biennial Report of Attorney General—1923-1924—*Page* 237.

C. S. 3919. **Fees of jailers.** Jailers shall receive, for furnishing prisoner with fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, with every necessary attendance, a sum not exceeding fifty cents per day, unless the board of commissioners of the county shall deem it expedient to increase the fees. which it may do provided such increase shall not exceed fifty per cent on the above sum.

C. S. 4407. **Injury to prisoner by jailer.** If the keeper of a jail shall do, or cause to be done, any wrong or injury to the prisoners committed to his custody, contrary to law, he shall not only pay treble damages to the person injured, but shall be guilty of a misdemeanor.

C. S. 4408. **Confining prisoners to improper apartments.** If the sheriff or jailer shall wantonly or unnecessarily confine those committed to his custody in any apartment, other than that provided and designated by law for persons of the description of the prisoner, he shall be guilty of a misdemeanor.

C. S. 1319. **To be heated.** It is the duty of the board of commissioners in every county to have the common jail so heated by furnaces, stoves, or otherwise, as to render them warm and comfortable. A failure to discharge the duty herein specified shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

C. S. 1320. **Bedding to be furnished.** The board of county commissioners, from time to time, as may be necessary, shall order the sheriff of the county to purchase, for the use of their jail, a certain number of good, warm blankets or other suitable bedclothing, which shall be securely preserved by the jailer, and furnished to the prisoners for their use and comfort, as the season or other circumstances may require; and the sheriff, at least once in every year, shall report to the board of commissioners the condition and number of such blankets and bedclothing.

C. S. 7713. **Supervision of jails and camps by Board of Health.** The State Board of Health shall have the same supervision of all jails, county camps or other places of confinement of county or city prisoners in regard to the method of construction, sanitary or hygienic care as they have over the State Prison Department and no jail, county camp, or other place of confinement of county or city prisons shall be construed or used as such for a period of six months, unless the State Board of Health shall have approved the same, and the violation of this section shall constitute a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

C. S. 1321. **Prison bounds.** For the preservation of the health of persons committed to jail, the board of commissioners of each county shall mark out such a parcel of land as they think fit, not exceeding six acres, adjoining the prison, for the rules thereof, and every prisoner not committed for treason or felony, giving bond with good security to the sheriff of the county to keep within the rules, shall have liberty to walk therein, out of the prison, for the preservation of his health; and on keeping continually within the said rules, shall be deemed to be in law a true prisoner. In order that every person may know the true bounds of said rules, they shall be recorded in the county records, and the marks thereof shall be renewed as occasion may require.

C. S. 1346. **Jailer to cleanse jail, furnish food and water.** The sheriff or keeper of any jail shall, every day, cleanse the room of the prison in which any prisoner is confined, and cause all filth to be removed therefrom; and shall also furnish the prisoner plenty of good and wholesome water, three times in every day; and shall furnish each prisoner fuel, not less than one pound of wholesome bread, one pound of good roasted or boiled flesh, and every necessary attendance.

C. S. 1347. **Prisoner to pay charges and prison fees.** Every person committed by lawful authority, for any criminal offense or misdemeanor, shall bear all reasonable charges for guarding and carrying him to jail, and also for his support therein until released; and all the estate which such person possessed at the time of committing the offense shall be subjected to the payment of such charges and other prison fees, in preference to all other debts and demands. If there is no visible estate whereon to levy such fees and charges, the amount shall be paid by the county.

C. S. 1348. **Prisoner may furnish necessaries.** Prisoners shall be allowed to purchase and procure such necessaries, in addition to the diet furnished by the jailer, as they may think proper; and to provide their own bedding, linen and clothing, without paying any perquisite to the jailer for such indulgence.

C. S. 1349. **United States prisoners to be kept.** When a prisoner is delivered to the keeper of any jail by the authority of the United States, such keeper shall receive the prisoner, and commit him accordingly; and every keeper of a jail refusing or neglecting to take possession of a prisoner delivered to him by the authority aforesaid shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the State. The allowance for the maintenance of any prisoner committed as aforesaid shall be equal to that made for prisoners committed under the authority of the State.

C. S. 1353. **Where no jail, sheriff may imprison in jail adjoining county.** The sheriffs, constables, and other ministerial officers of any county in which there is no jail have authority to confine any prisoner arrested on process, civil or criminal, and held in custody for want of bail, in the jail of any adjoining county, until bail be given or tendered. And any sheriff or jailer having a prisoner in his custody, by virtue of any mode of commitment provided in this chapter, shall be liable, civilly and criminally, for his escape, in the manner as if such prisoner had been confined in the prison of his proper county.

C. S. 1354. **Where no jail, courts may commit to jail of adjoining county.** Whenever there happens to be no jail, or when there is an unfit or insecure jail, in any county, the Superior Court judges, justices of the peace, and all judicial officers of such county may commit all persons brought before them, whether in a criminal or civil proceeding, to the jail of any adjoining county, for the same causes and under the like regulations that they might have ordered commitments to the usual jail; and the sheriffs, constables, and other officers of such county in which there is no jail, or an unfit one, and the sheriffs or keepers of the jails of the adjoining counties, shall obey any order of commitment so made. Any officer failing to obey such order shall be guilty of a misdemeanor.

See Biennial Report of Attorney General—1923-1924—*Page* 237.

WORKING CERTAIN PRISONERS

PUBLIC LAWS 1931, CHAPTER 302. **Working Certain Prisoners on the Public Streets of Cities and Towns.** That all prisoners sentenced to jail for any term less than sixty days may, as a part of such sentence, by the court in which such prisoners are tried and convicted, be sentenced to work at hard labor on the public streets of any city or town, the county

farm, or any other public works of the county wherein such prisoners are tried and convicted.

C. S. 1356. **Counties and towns may hire out certain prisoners.** The board of commissioners of the several counties, within their respective jurisdictions, or such other county authorities therein as may be established, and the mayor and intendant of the several cities and towns of the State, have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public works, or other labor for individuals or corporations, of all persons imprisoned in the jails of their respective counties, cities and towns, upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all the costs which they are adjudged to pay, or to give good and sufficient security therefor: *Provided*, such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. The amount realized from hiring out such persons shall be credited to them for the fine and bill of costs in all cases of conviction. It is unlawful to farm out any such convicted person who may be imprisoned for the nonpayment of a fine, or as punishment imposed for the offense of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize. (As amended by Section 30, Chapter 145, Public Laws 1931.)

C. S. 1358. **Sheriff to have control of prisoners hired out.** All convicts hired or farmed out by the county or other municipal authorities shall at all times be under the supervision and control, as to their government and discipline, of the sheriff, or his deputy, of the county in which they were convicted and imprisoned, and the sheriff, or his deputy, shall be deemed a State officer for the purpose of this section.

See Biennial Report of Attorney General—1923-1924—*Pages* 249, 250.

DISTRICT PRISON FARMS

PUBLIC LAWS 1931. CHAPTER 142. **Counties May Build District Prison Farm.**

SECTION 1. That any two or more adjacent counties may, by action of said commissioners in said counties, as hereinafter provided, establish a District Prison Farm, to be located at some suitable place in the counties composing the District, location and purchase to be controlled by a Board of Trustees appointed by the county commissioners of the respective counties owning and controlling said district prison farm, each county to have one trustee. Where only two counties enter the district, the commissioners of the counties concerned shall jointly elect one additional trustee.

SEC. 2. That the several boards of county commissioners shall, as soon as they shall have agreed among themselves to establish a district prison farm for their counties, appoint the members of the board of trustees, which board shall be known as the Board of Trustees of the District Prison Farm for the District comprising_____ _____ counties; the members of said boards of trustees shall be appointed every two years, and until their successors are chosen and qualified; all vacancies shall be filled by the several boards of county commissioners and said commissioners shall provide for the expense and compensation of said board of trustees.

SEC. 3. That the board of trustees, shall, as soon as possible, and not later than sixty days after appointment, meet and organize by election a chairman and secretary. They shall proceed promptly with the purchase of a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities. They shall provide for the necessary stock, tools, and farm equipment, and shall cause to be erected suitable buildings for the housing, detention and keeping the prisoners assigned to said district farm, due regard being given to the separation of the sexes and races and such other plans for segregation as their judgment and existing conditions may suggest.

SEC. 4. That the several counties shall pay for the site and for the construction and equipment of the prison farm in proportion to the taxable property of the several counties, and shall own the same in the same proportion, but the operating expense shall be borne by the said counties in proportion to the population of the several counties.

SEC. 5. The said board of trustees of said district prison farm shall elect a capable superintendent and such other employees as it may deem necessary for the efficient management of said farm and shall make rules and regulations for the working of all prisoners sentenced to said farm to the end that the said district prison farm shall be as near self supporting as practicable.

SEC. 6. The board of trustees of said district prison farm shall meet at said farm at least twice each year for the transaction of such business as may come before them. They shall meet at other times on the call of the chairman or on a call by a majority of the board of trustees.

SEC. 7. That as soon as said prison farm is purchased and the necessary building erected thereon and the farm equipped with stock, tools, etc., the board of trustees of said district prison farm shall notify the boards of commissioners of the several counties, and the said boards of commissioners, upon receipt of said notice, shall promptly notify each and every court in the several counties, including Superior Courts, Recorders' Courts and all other courts which are now operating or may hereafter be established in said counties that the prison farm is ready.

SEC. 8. That from and after receipt of the information set out above, it shall be the duty of the judges, recorders and other presiding officers of the several courts in said counties, to assign all prisoners sentenced by them to the county jails or to the roads, to the said district prison farm.

SEC. 9. That the several counties of said district are hereby authorized to provide for the payment of their proportionate part of said farm and equipment by the sale of notes or bonds as provided in the County Fiscal Act and to provide for payment of said bonds and notes by the levy of such tax as may be necessary for said purpose, provided not more than a levy of ten cents, on the one hundred dollars valuation shall be levied any one year in any county.

SEC. 10. The said board of trustees shall cause to be made a detailed report of the operations of said district prison farm each year not later than January tenth each year and shall send a copy of said report to the several boards of county commissioners.

COUNTIES MAY ESTABLISH HOUSES OF CORRECTION

C. S. 1365. **Commissioners may establish houses of correction.** The board of commissioners may, when they deem it necessary, establish within their respective counties one or more convenient institutions to be

known as houses of correction, or, in the discretion of the board of commissioners, as training schools, municipal farms, or juvenile farms, with workshops and other suitable buildings for the safe keeping, correcting, governing, and employing of offenders legally committed thereto. They may also, to that end, procure machinery and material suitable for such employment in said institutions, or on the premises; and moreover attach thereto a farm or farms; and all lands purchased for the purposes aforesaid shall vest in the directors hereinafter provided for, and their successors in office. The said board also has power to make, from time to time, such rules and regulations as it may deem proper for the kind and mode of labor and the general management of the said institutions.

C. S. 1366. **Who must or may be committed to such institutions.** It shall be the duty of the judges of the criminal courts and other committing magistrates of such county or counties to sentence or commit thereto all youthful offenders of the age of sixteen years and under, convicted of any crime or misdemeanor whereof the punishment by statute prescribes a fine or sentence of imprisonment or working the roads. Said judges, and committing magistrates may also sentence thereto any female prisoners and such other offenders convicted of misdemeanors who by reason of physical infirmities or mental deficiencies ought not to be imprisoned in the county jail or worked on the public roads. Nothing herein shall be construed to prevent the working at light labor of any partially disabled or infirm convict, or female prisoner, on or about any of the public works, buildings, or grounds in any such county at and upon the request of the board of county commissioners, with the approval of the court or committing magistrate.

C. S. 1369. **Governor to be notified of establishment.** When any institution is established in pursuance of this article, it is the duty of the chairman of the board of commissioners of the county wherein the same is established to certify the fact to the Governor, who shall cause it to be noted in a book kept for that purpose.

C. S. 1370. **Directors to be appointed; duties.** The board of commissioners shall annually appoint not less than five or more than nine directors for each institution hereunder established, whose duty it is to superintend and direct the manager herein named in the discharge of his duties; to visit said houses at least once in every three months; to see that the laws, rules and regulations relating thereto are duly executed and enforced, and that the persons committed to his charge are properly cared for, and not abused or oppressed. The directors shall keep a journal of their proceedings, and publish annually an account of the receipts and expenditures. They shall further make a quarterly report to their respective county commissioners of the general condition of their charge, and of the receipts and expenditures of the institution. They shall also make such by-laws and regulations for the government thereof as shall be necessary, which shall be reported to and approved by the said commissioners. The directors shall be paid for the services rendered, by the county treasurer, each director first making it appear to the satisfaction of the board of county commissioners, by his oath, the character and extent of the services rendered for which he claims compensation; and such payment shall be made by the county treasurer out of any funds in his hands not otherwise appropriated.

C. S. 1372. **Manager to be appointed; bond, duties.** The board of commissioners shall appoint a manager for each house or establishment, who shall give a bond, with two or more solvent sureties, in such sum as may be

required, payable to the State of North Carolina, conditioned for the faithful discharge of his duties. He shall hold his office during the pleasure of the board, and be at all times under the supervision of the directors; and in case of his misconduct, of which they shall be the sole judges, he may be forthwith removed by them and a successor appointed, who shall discharge the duties of the office until another manager is appointed by the board of commissioners. It is the duty of the manager to receive all persons sent to the house of correction, to keep them during the time of their sentence, and to employ and control them according to the rules and regulations established therefor. He shall have the direction and control over the subordinate officers, assistants and servants, who may be appointed by the directors. He shall make monthly reports to the directors of his management of the institution and his receipts and expenditures.

C. S. 1373. **Manager to assign employment to inmates.** The manager shall assign to each person sent to such institution the kind of work in which such person is to be employed.

C. S. 1374. **Compensation of officers.** The said board of commissioners shall direct what compensation the manager and such subordinate officers, assistants and servants, as shall be appointed, shall receive, and shall provide for the payment thereof.

C. S. 1375. **Sheriff to convey persons committed.** When a person is sentenced to such institution he shall forthwith be committed by the court to the custody of the sheriff, to whom the clerk shall immediately furnish a certified copy of the sentence, in which it shall be stated (if the fact be so) that the offender is committed as a vagrant. The sheriff shall convey the offender to the institution, and deliver him to the manager with the certified copy as aforesaid, and take the manager's receipt for the body; which receipt the sheriff shall return to the clerk of the board of commissioners, with his indorsement of the time when the offender was committed to him and delivered to the manager, and the clerk shall record the same in a book kept for that purpose, and file the original with the papers in the case.

C. S. 1376. **Absconding offenders punished.** If any offender absconds, escapes, or departs from any such institution without license, the manager has power to pursue, retake and bring back, and to require all necessary aid for that purpose; and when brought back, the manager may confine him to his work in such manner as he may judge necessary, or may put him in close confinement in the county jail or elsewhere, until he submits to the regulations of such institution; and for every escape each offender shall be held to labor in such institution for the term of one month in addition to the time for which he was first committed.

NOTE: The guard has no authority to kill one convicted of a misdemeanor while fleeing to escape, unless he offers resistance or shows force. *See Holloway, Admr., v. Moser, N. C. Reports, Vol.* 193, *Pages* 185-192.

C. S. 1377. **Release of vagrants.** If a person committed as a vagrant behaves well and reforms, he may, on the certificate of the manager, be released by the directors. But if otherwise committed, he may be released by the committing authority, upon the certificate of the manager and directors, upon such conditions as they may deem proper.

C. S. 1379. **Counties may establish joint house of correction.** Any two or more counties, acting through their respective boards of commissioners, may jointly establish one or more convenient houses of correction, as is provided in the preceding sections, for the joint use of the counties so agreeing together; and the same may be established at such place or places, and be in all respects managed under such by-laws, rules and regulations as a majority of the general board of directors, to be appointed as hereinafter directed, shall determine.

STATE HIGHWAY COMMISSION PRISONS

PUBLIC LAWS 1931, CHAPTER 145. **State Highway Commission to Take Over County Prison Camps.**

SECTION 26. That as soon as practicable after the ratification of this act there shall be established in this State by the State Highway Commission, with the approval of the Governor, such number of prison districts, not less than five, as they shall determine advisable. The State Highway Commission shall, as soon thereafter as practicable, with the approval of the Governor, locate the prison camp or camps in each of said districts. Until such time as it shall be feasible for the State Highway Commission to build and construct prison camps in accordance with the provisions of this act, it shall be the duty of the State Highway Commission to take over and acquire by contract, under terms to be approved by the Governor, such county or road district prison camps as in their opinion shall be necessary for the use of the county prisoners on the public roads of the several county road systems as hereinafter provided. The State Highway Commission, with the approval of the Governor in lieu of locating and constructing prison camps in any of the districts, may acquire by contract and take over prison camps in any county or road district and may make such alterations and additions thereto as shall be necessary to render the same suitable for a district prison camp.

SEC. 27. Any and all district prison camps, or additions made to present county camps taken over by the State Highway Commission as herein provided for, shall be constructed, altered or changed, under plans and specifications prepared by the State Highway Commission with the approval of the Governor, of the State Board of Health, and the State Board of Public Welfare and Charities, and the construction, alteration, or changes shall be done by the State Highway Commission and, as far as shall be practicable, prisoners shall be used to do the work.

SEC. 28. The district prison camps herein provided for, and all county prison camps acquired by the State Highway Commission in lieu of district prison camps shall be under the control and direction of the State Highway Commission, and operated under rules and regulations to be made by the State Highway Commission, and approved by the Governor and the State Board of Public Welfare and Charities, and, subject to such rules and regulations so adopted and approved, the State Highway Commission shall establish grades for prisoners according to conduct, and so far as possible introduce the honor system, and may transfer honor prisoners to honor camps. Prisoners may be transferred from one district camp to another, and the State Highway Commission may where it is deemed practical to do so establish separate camps for white prisoners and colored prisoners. In each district camp quarters shall be provided for the care and maintenance of such prisoners as may be sick, and a physician may be employed for such portion of his time as may be necessary and as-

signed to each of the several camps, and such of the prisoners as may be chosen may be used as attendants or nurses notwithstanding that such prisoners may not have qualified for such work as may be required by law; and any such prisoners as may have special qualifications to perform labor other than labor upon public roads may be assigned to such special duties as the State Highway Commission may determine. All necessary directors, physicians, guards or supervisors, or any other necessary employees for the proper care, keep and handling of such prisoners shall be employed by the State Highway Commission by and with the consent and approval of the Governor, and serve at the pleasure of the State Highway Commission.

SEC. 29. All able-bodied prisoners committed or assigned to the district prison camps shall be employed in the maintenance and construction of roads in the public road system of the several counties, or upon the State Highway System, or assigned to such special duty in connection with the prison camps, or the preparation and repair of all road equipment and supplies as the State Highway Commission may determine.

SEC. 30. On the first day of July, 1931, all prisoners who shall be in any county prison camp or in jail assigned to work on the county roads, under sentence of any court of competent jurisdiction, except as hereinafter provided, shall be by the various county authorities turned over to the State Highway Commission or its duly authorized agents, and the State Highway Commission shall take over all such prisoners under and pursuant to the provisions of this act on the first day of July, 1931; and all authority vested by law in any board of county commissioners, any county highway commission, any district highway commission, or any other board or commissioners as to such prisoners, shall pass to and invest in the State Highway Commission. The county authorities having custody of such prisoners shall, upon forms provided by the State Highway Commission, make a complete list of all such prisoners in custody July first, 1931, giving their names, terms or imprisonment, date of commitment, and expiration of terms, together with records of such prisoners, and such other and further information as may be required by the State Highway Commission, and deliver the same, together with the original commitments, to the State Highway Commission, or its duly authorized agents, on the first day of July, 1931. And the State Highway Commission or its duly authorized agents shall, upon such delivery, execute proper receipts to the county authority for such documents and the prisoners delivered as herein provided for. From and after the first day of July, 1931, the various judges and courts of this State, in lieu of assigning persons convicted of violating any of the criminal laws of the State to work upon any county roads under the control of any board of commissioners or any highway commission, shall assign such person so convicted to work upon the roads of the State under the control of the State Highway Commission pursuant to the provisions of this act, and all such laws, public, public-local, or private, heretofore enacted, authorizing the various judges and courts of the State to assign persons convicted to work upon the public roads are hereby amended so as to conform to the provisions of this act, to the end that such persons so convicted shall be assigned to the various prison camps by this act established, to work upon the public roads pursuant to the provisions of this act. But this act shall not be deemed or considered as authorizing any person sentenced under the provisions thereof to have been sentenced to the State Prison, or State Penitentiary, but such person so sentenced shall be deemed to have been sentenced under the provisions either of this act or of such public, public-local, or

private acts heretofore enacted authorizing the various judges and courts of the State to sentence persons convicted of crime to work upon the public roads: *Provided*, that any county, city or town now operating, or that may hereafter operate a farm by convict labor may retain a sufficient number of prisoners for the operation of same, and the judges in the courts of said county, city or town in lieu of sentencing persons convicted to the highway prison camps shall sentence a sufficient number to labor on said farms for the necessary operation of same.

SEC. 31. The clerks of the Superior Courts in the various counties and the clerks of other courts in the various counties shall notify in writing the Superintendent, or person in charge of the district prison camp of the district in which said county is located, and mail a copy thereof to the State Highway Commission at Raleigh of the various persons who shall be sentenced to said district camps, and immediately, or as soon as practical thereafter the superintendent of said district prison camp shall designate some person to transfer such prisoners to the place of duty assigned to them, and the clerks and sheriffs of the various counties shall deliver said prisoners to the person so designated together with proper commitments.

SEC. 32. No person shall be committed to any of the district camps by any court in this State, nor shall any person be received into the district camps, whose term of imprisonment is less than sixty (60) days: *Provided*, that in criminal actions in which a Justice of the Peace has final jurisdiction no county shall be liable for or taxed with any costs.

SEC. 33. The cost and expense of construction of the various prison camps, the care, transportation and maintenance of prisoners and their guarding and supervision shall be paid by the State Highway Commission from the county road maintenance funds provided in this act: *Provided, however*, when prisoners are used upon the State Highway systems in construction or maintenance, the cost and expense of transportation and maintenance of such prisoners, their guarding and supervision, shall be paid from the funds appropriated to such purpose in this act.

SEC. 34. The State Highway Commission may employ prisoners confined in the State's Penitentiary for the construction, improvement, or maintenance of the State Highway System, and for the various county systems to be taken over under this act provided the compensation of said prison labor shall not exceed the cost at which similar work could be produced by free labor at prevailing prices existing in the district where the work is performed, and may, where it is practical to do so, use material in such road work produced in whole or in part by prisoners confined in the State's Prison or the district prison camps. In the event of disagreement between the State Highway Commission and the Board of Directors of the State's Prison as to whether it is practical and feasible in a given instance to employ prisoners or use material produced by the prisoners confined in the State's Prison such disagreement shall be referred to the Governor of the State, and his decision of the matter shall be final, and the same right of appeal granted Directors of the State Prison shall upon request also be given to any North Carolina manufacturers and producers whose products or materials have been or may be used in the maintenance or construction of the Public Highways of this State. Provided, nothing contained in this section shall be construed in such manner as to prevent the State Highway Commission from meeting all requirements of the United States Bureau of Public Roads on Federal Aid projects.

C. S. 1359. **Convicts who may be sentenced to or worked on roads.** When any county has made provision for the working of convicts upon the public roads, or when any number of counties have jointly made provision for working convicts upon the public roads, it is lawful for and the duty of the judge holding court in such counties to sentence to imprisonment at hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jail or in the State's Prison, the following classes of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly, or in part, imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise, wholly or in part, be imprisonment in the State's Prison for a term not exceeding ten years.

NOTE. **Flogging prisoners.** See State v. Revis, N. C. Reports Vol. 193, pages 192-199.

C. S. 4409. **Requiring female prisoners to work in chain gang.** If any officer, either judicial, executive or ministerial, shall order or require the working of any female on the streets or roads in any group or chain gang in this State, he shall be deemed guilty of a misdemeanor.

CHAPTER 178, PUBLIC LAWS OF 1927. **Uniform Classification of Prisoners Other Than State Prisoners.**

SECTION 1. The board of county commissioners, or such governing body as may have charge of prisoners in any county, city or town in the State of North Carolina, shall divide all prisoners into three classes, or grades, as follows:

In the first class shall be included all those prisoners who have given evidence that they will, or who it is believed will observe the rules and regulations and work diligently and are likely to maintain themselves by honest industry after their discharge. These shall be known as Grade A prisoners and shall receive a commutation of their sentences at the rate of one hundred and four days for each year served.

In the second class shall be included those prisoners who have not as yet given evidence that they can be trusted entirely, but are reasonably obedient to the rules and regulations. These shall be known as Class B prisoners and shall receive a commutation of their sentences at the rate of seventy-eight days for each year served.

In the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. Such prisoners shall receive no commutation of their sentences.

All prisoners shall be admitted into Class B except where it is known by the superintendent of the prison that a prisoner is serving for a second offense. In such cases the superintendent may put the prisoner in Class C, in his discretion.

Prisoners of Class A shall be known as honor prisoners and shall be worked without stripes and in the discretion of the superintendent of the prison without guards. When in prison camps or in any other places of detention they may not be chained or under armed guards.

Prisoners in Class B shall wear stripes, if felons, be under guard and may or may not be chained in the discretion of the superintendent.

Prisoners in Class C shall wear stripes, if felons, wear chains during the day or night as in the opinion of the superintendent may be necessary.

Preference in assignment of work shall be given Class A prisoners.

The purpose of this act is to unify the regulations pertaining to county prisoners and to encourage industriousness among the prisoners.

SEC. 2. That the superintendent or other person having charge of prisoners shall keep a record showing the name, age, date of sentence, length of sentence, crime for which convicted, home address, next of kin, and the conduct of each prisoner received.

NOTE.—*See also provision regarding Sunday work under State Prison Law, page* 131.

HEALTH OF PRISONERS

C. S. 7207. **Tuberculous county prisoners to be segregated.** The board of county commissioners of the respective counties of North Carolina shall provide in the jail-house or in any camp or place where prisoners are committed for keeping or sentenced to a term of imprisonment in any county in the State of North Carolina, separate cells or rooms or a place in which shall be confined any prisoner or prisoners who may be committed for keeping or sentenced to said prison or place of confinement for a term of imprisonment, who has been examined by the county physician or county health officer and pronounced to be affected with tuberculosis.

C. S. 7208. **Sheriff to have prisoners suspected to be tuberculous examined and separated.** When a prisoner is placed in the custody of a sheriff for the purpose of being committed to jail or to any place where prisoners are kept, and the sheriff has reason to believe or suspect that the prisoner is suffering with tuberculosis, it shall be the duty of the sheriff to have such prisoner examined by the county physician or county health officer, and if upon examination the prisoner is pronounced tubercular, then he shall be separated from other prisoners and confined in a separate cell or other place of confinement.

C. S. 7211. **Prison authorities to have prisoners suspected to be tuberculous examined.** When a prisoner is committed to any prison or place of confinement designated in this article, and the sheriff of the county, the warden of the State's Prison or other authorities of the prison know or suspect the prisoner to be suffering with tuberculosis, it shall be the duty of such authorities to cause the prisoner to be examined by the county physician, the county health officer, or the physician in charge within five days after the prisoner has been committed or sentenced to the prison.

C. S. 7212. **Prisoners may be worked together.** Nothing contained in any of the preceding sections of this article shall be so construed as to interfere with or prevent the county or State authorities from working together all prisoners on public works as now provided for by law.

C. S. 7216. **Health authorities to examine all prisoners.** It shall be the duty of every county physician or city physician, or county health officer or city health officer, or other physician having in charge the medical care of prisoners in any city or county in this State, or on any public or private works where prisoners or convicts are employed, to make a thorough physical examination of every prisoner committed to the county or city jail or to the county or city chain gang or road force, or any public or private works within forty-eight hours after the admission of such prisoner; and when he finds a prisoner suffering with tuberculosis, he shall

make a written report of same to the State Board of Health, stating in detail the conditions found and the stage of the disease, within twenty-four hours after making such diagnosis, and he shall also report same to the superintendent of the chain gang or the jailer or the superintendent of the public or private works, and to the sheriff of the county, in writing, within twenty-four hours after having made such diagnosis of tuberculosis.

C. S. 7217. **Officials in charge of prisoners to report on health.** Every superintendent of convicts, or superintendent of public or private works where convicts are employed, and the superintendent of the central prison and State farm, and every jailer, shall make such reports as to the existence of cases of tuberculosis or suspected cases of tuberculosis, or other disease or diseases, and loss of time on account of sickness, and the disease or diseases causing such loss of time and such other things that may have a bearing on the health of the prisoners and the sanitation of the camp, prison, or jail, to the State Board of Health at such stated periods and on such stated forms as may be requested by the State Board of Health. And every health officer or other physician having charge of prisoners in county convict camps, on county or city roads or streets or public or private works, or in jails or prisons, State, city, or county, shall likewise make such reports to the State Board of Health as to the physical condition and transfer of prisoners and as to the sanitary condition of camps, jails, or prisons, as may be requested by the State Board of Health.

C. S. 7218. **Reports to include transference and particulars as to tuberculous.** The superintendent of the central prison or State farm, convict camps, or of any public or private works where convicts are used, and the jailers of the county jails and the sheriff of the county, and the medical officer connected with any of the above mentioned places where convicts are kept or worked, shall make such reports to the State Board of Health as to transference of prisoners suffering with tuberculosis, giving name of prisoner, length of time said prisoner had been under his jurisdiction, the stage of the disease, point or place to which he was transferred, name and address and official title of the person to whom he was transferred, and such other information as may be requested by the State Board of Health.

STATE PRISON

(As Amended by Chapter 163, Public Laws 1925)

C. S. 7698. **State's Prison a department.** The State's Prison shall be and continue a department of the State government and it shall be vested with all the property, real and personal, choses in action and other rights now owned, held or enjoyed by the former corporation known as the State Prison.

C. S. 7699. **Organization of Prison Board.** The State Prison Department shall be governed and controlled by a board of directors, except as hereinafter provided, and this board shall consist of a chairman and six other members, all of whom shall be appointed by the Governor, by and with the advice and consent of the Senate. The term of office of the chairman and the six directors shall be four years, which term shall begin at their appointment by the Governor during the session of the General Assembly of one thousand nine hundred and twenty-five; and quadrennially thereafter.

C. S. 7703. **Directors to employ servants and agents.** The board of directors, by and with the consent and approval of the Governor, are authorized to employ such managers, superintendents and wardens as they may deem necessary; and the board of directors are further authorized to employ such physicians, supervisors, overseers and other servants and agents as they may deem necessary for the management of the affairs of the State Prison Department, and the safekeeping and employment of the convicts therein confined. The compensation and duties of the managers, superintendents, and wardens shall be fixed by the board of directors, by and with the consent and advice of the Governor. The board of directors shall fix the compensation of all physicians, supervisors, overseers and other servants and agents, prescribe their duties by proper rules and regulations, and may discharge them at will. Any manager, superintendent or warden may be discharged by the board of directors, by and with the consent and approval of the Governor.

C. S. 7707. **Custody, employment, hiring out and recapture of convicts.** The board of directors shall make provision for receiving, keeping in custody until discharged by law, all such convicts as may be now confined in said prison and such as may be hereafter sentenced to imprisonment therein by the several courts of this State. The board of directors shall have full power and authority to provide for the employment of such convicts, either in the prison or on farms leased or owned by the State of North Carolina, or elsewhere, or otherwise; and may contract for the hire or employment of any able-bodied convicts upon such terms as may be just and fair, but such convicts so hired, or employed, shall remain under the actual management, control and care of the board of directors, or its employees, agents and servants: *Provided, however*, that no female convict shall be worked on public roads or streets in any manner.

SEC. 2. The board of directors may provide for the recapture of convicts that may escape from such prison and may pay such reward and expense of recapture to any person making the same. Any citizen of North Carolina shall have authority without warrant to apprehend any convict who may escape before the expiration of the term of his imprisonment, and to retain him in custody and redeliver him to the State Department.

PUBLIC LAWS 1929, CHAPTER 292. **Mines in which convicts employed to be inspected.**

SECTION 1. That the board of directors of the State's Prison is hereby authorized, in its discretion, to have monthly inspection made of all mines in North Carolina in which State convicts are or may be employed and to employ for this purpose the services of an accredited mine inspector approved by the United States Bureau of Mines.

SEC. 2. That in order to carry out the provision of section one hereof, the said board of directors of the State's Prison is authorized to expend not more than twenty-five hundred dollars of any moneys in the hands of the State Treasurer to the credit of the State's Prison, not otherwise appropriated.

C. S. 7712. **Work of convicts on public roads.** The board of directors of the State Prison Department are authorized to work the prisoners committed to their charge on the public roads of the State by organizing State camps for housing and feeding the prisoners while at work on such roads, but the construction of such camps must be in accordance with plans

approved by the State Highway Commission and the State Board of Health, but if worked upon the public roads of any county or subdivision thereof, then such county or subdivision shall pay to the State Prison such compensation as may be agreed upon by such county, or subdivision thereof, and the board of prison directors.

C. S. 7714. **Sanitary and hygienic care of prisoners.** The sanitary and hygienic care of the prisoners shall be under the direction, supervision and regulation of the State Board of Health, and all camps and camp equipment shall conform to the plans and specifications of and be approved by the State Board of Health; and the board of directors of the State Prison shall do such things as may be necessary to carry out the recommendations of the State Board of Health. The supervision of the State Board of Health shall apply to the State Prison, the State farms, and county or State camps or other places where the prisoners are confined or housed, and such recommendations as shall be made by the State Board of Health regarding clothes, bedding, table-ware, and bathing for the prisoners shall be carried out by the board of directors of the State Prison.

C. S. 7715. **Quarters at State Farm.** In order to erect suitable quarters for the prisoners kept at the State farms, the board of directors of the State Prison Department is authorized and directed to spend a sufficient amount of the funds, under the control of the Board for permanent improvements, to pay for the erection of sanitary quarters for the prisoners with individual cells, when cells are deemed necessary, for each prisoner, and the plans and specifications for the erection of such quarters shall be approved by the State Board of Health.

C. S. 7716. **What prisoners sent to State Prison.** All persons convicted of crime punishable by imprisonment in the State Prison in any of the courts of this State whose sentence shall be for five years or more shall be sent to the State Prison.

See Biennial Report of Attorney General—1924-1926—*Pages* 74, 75.

C. S. 7717. **Convicts sent to place of labor.** The board of directors shall, as far as practicable, make arrangements for the conveying of convicts from the places where convicted direct to the place where they are to be worked, when it would be to the interest of the State to do so.

C. S. 7718. **To be sent within five days.** The sheriff, having in charge any prisoner sentenced to the State Prison Department shall proceed to send him to the State Prison Department or place of assignment within five days after the adjournment of the court at which he was sentenced, if no appeal has been taken.

C. S. 7720. **State not liable for expenses before convicts received.** The State is not liable for the expenses of maintaining convicts until they have been received by the State Prison Department authorities, nor shall moneys be paid out of the treasury for support of convicts prior to such reception.

C. S. 7721. **Board to make regulations.** The board of directors is authorized to adopt such rules and regulations for enforcing discipline as their judgment may indicate, not inconsistent with the constitution and laws of the State. And they shall print and post the same in the cells of the convicts and the same shall be read to every convict in the State Prison Department when received.

C. S. 7722. **Infraction of rules recorded.** The board of directors shall require to be kept a book in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their monthly meeting.

C. S. 7723. **Prisoners classified and distinguished.** The board of directors of the State Prison Department shall direct the classification of all male prisoners committed to their charge into three classes or grades, as follows: In the first class shall be included all those prisoners who have given evidence that they will, or whom it is believed will, observe the rules and regulations and work diligently, and are likely to maintain themselves by honest industry after their discharge; in the second class shall be included those prisoners who have not as yet given evidence that they can be trusted, but are competent to work and are reasonably obedient to the rules and regulations of the institution; and in the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations, and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. The men of the first class shall be known as honor men, and when grouped together in camps as hereinafter provided for the camp shall be known as "honor camp," and they shall wear a distinctive but not very conspicuous uniform, and shall be worked without guards, and when in prison or camps, or in any other place of detention, they shall not be chained or under armed guards at night. The men of the second class shall wear a conspicuous uniform, and shall be worked under armed guards, but shall not wear chains, while at work, but may or may not be chained at night, in the discretion of the superintendent. The men of the third class shall be dressed in stripes, shall be worked under armed guards, wear chains during the day, whenever this is considered necessary, and be chained at night when in camp, and shall be worked as far as possible in stockades, inclosing rock quarries, but may be worked on public roads in camps containing only this class of men, at the discretion of the superintendent, or that may hereafter be made by the General Assembly. The classification of male prisoners shall apply to female prisoners so far as it relates to commutation of time and pay for their work. Honor men may be worked wherever any work is being carried on by the prison, provided their privileges and immunities as set forth in this section are in no wise abridged.

C. S. 7724. **Assignment to classes and changes.** Persons sentenced to the penitentiary or State Prison Department, for the first time shall be placed in the first or second class, but the assignment of a prisoner to any one of the three classes referred to in this article shall not be considered to mean that such prisoner must remain in such class, but a prisoner may be changed from a lower to a higher class, or from a higher to a lower class, depending upon his behavior, and it is the purpose and intent of this section to direct the board of directors of the State Prison to encourage and assist the men to improve themselves that they can be transferred from a lower to a higher class or grade.

C. S. 7725. **Commutation of time.** The men of the first class shall be allowed a commutation of their sentence of one hundred and four days for each year served, and the men of the second class shall be allowed a commutation of their sentence of seventy-eight days for each year they serve, and the men of the third class shall be allowed a commutation of

their sentence of fifty-two days for each year they serve. If a man remains in the third class for three continuous years, he shall not be allowed any further commutation of time. In the event any prisoner shall be sentenced for a less period of time than one year, said prisoner shall be entitled to a proportionate commutation of his sentence. The board of directors of the State Prison Department, by and with the advice and consent and approval of the Governor, and Commissioner of Public Welfare, may make such regulations and pay such sums to prisoners at the expiration of their sentence as may in their judgment adequately aid such prisoners in securing employment and in defraying their expenses to the place of such employment within this State, or to the place from which said prisoners were sent to the State Prison, having due regard to article eleven, section eleven, of the Constitution, "that all penal and charitable institutions shall be made as nearly self-supporting as is consistent with the purposes of their creation."

C. S. 7726. **Employment at useful labor.** The board of directors of the State Prison Department shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farms, or reformatories in the State, so far as is practicable, cause all the prisoners in such institutions who are physically capable thereof to be employed at useful labor.

C. S. 7727. **Prisoners examined for assignment to work.** Each prisoner committed to the charge of the board of directors of the State Prison Department shall be carefully examined by a competent physician in order to determine his physical and mental condition, and his assignment to labor and the work he is required to do shall be dependent upon the report of said physician as to his physical and mental capacity.

C. S. 7728. **Whipping or flogging prisoners.** It is unlawful for the board of directors of the State Prison to whip or flog or have whipped or flogged, any prisoner committed to their charge until twenty-four hours after the report of the offense or disobedience, and only then in the presence of the prison physician or prison chaplain; and no prisoner other than those of the third class as defined in this article shall be whipped or flogged at any time.

C. S. 7729. **Prisoner's supplies and clothes to be marked.** The prisoner's number shall be used for marking all clothes, bedclothing, beds and other supplies used by prisoners, so that when such clothes, bedclothing, and supplies are washed and cleaned they shall be always returned for the use of the same prisoner.

C. S. 7730. **Uniform for prisoners; felon's stripes.** It is the duty of the several judicial officers of the State, in assigning any person to work the public roads of any county, to designate in each judgment that such as may be convicted of a felony shall wear felon's stripes, and such as are convicted of a misdemeanor shall not wear felon's stripes. In order to carry into effect the provisions of this section, the State Prison Board shall prescribe a uniform to be worn by persons convicted of felony, and a uniform to be worn by persons convicted of a misdemeanor which shall be different and easily distinguished from the uniform of the felon; but the board of directors of the State Prison Department or other governing authority may in their discretion allow prisoners sentenced for misdemeanor only to wear clothes similar to that worn by the ordinary citizen. The board of commissioners of the respective counties in which convicts are worked on the public roads shall provide uniforms of each kind, except in those cases exempted in this section.

C. S. 7731. **Violation as to work in felon's uniform; officer liable.** It shall be unlawful to work persons convicted of a felony in other than the uniform of a felon, or to clothe a person convicted of a misdemeanor in the uniform of a felon. Any superintendent of convicts or other persons in authority who shall violate this law shall be guilty of a misdemeanor; and fined or imprisoned, or both, in the discretion of the court; and moreover, be liable in damage to the party aggrieved, to be recovered in a civil action, which may be brought in either the county from which the party was sentenced or the county in which the wrong was done.

C. S. 7732. **Recreation and instruction of prisoners.** The board of directors of the State Prison Department is authorized and directed to arrange certain forms of recreation for the prisoners, and to arrange so that the prisoners during their leisure hours between work and time to retire shall have an opportunity to take part in games, and attend lectures, and take part in other forms of amusement as may be provided by the board. The board is also authorized and directed to make such arrangements as are necessary to enable classes to be organized amongst the prisoners so that those who desire may receive instruction in various lines of educational pursuits. The board of directors shall utilize, where possible, the services of the prisoners who are sufficiently educated to act as instructors for such classes in education; such service, however, shall be voluntary on the part of the prisoner. The board of directors of the State Prison Department is further authorized and directed to make such arrangements as will be necessary so that religious services may be held for the prisoners on Sunday and at such other times as they may deem wise. The attendance of the prisoners at such religious services shall be voluntary. The provisions of this section shall apply to the State Prison Department, State Farms and State Camps.

C. S. 7733. **Use of intoxicants forbidden to employees.** No one addicted to the use of intoxicating liquors shall be employed as superintendent, warden, guard, or in any other position connected with the State Prison Department, where such position requires the incumbent thereof to have any charge or direction of the prisoners; and any one holding such position, or any one who may be empowered in any other capacity in the State Prison Department, who shall come under the influence of intoxicating liquors, shall at once cease to be an employee of any of the institutions and shall not be eligible for reinstatement to such position or be employed in any other position in any of the institutions. Any superintendent, warden, guard, supervisor, or other person holding such position in the State Prison Department who curses a prisoner under his charge shall at once cease to be an employee of the institution and shall not be eligible for reinstatement.

C. S. 7734. **Correspondence of prisoners regulated.** The prisoners confined at any State Prison, State Farm, or State Camp who are in the first class or grade authorized by this article shall be allowed general correspondence privileges in so far as such correspondence does not interfere with the work and discipline of the prison, farm, or camp; prisoners who are in the second class or grade shall be allowed similar correspondence privileges, but somewhat more restricted than those in the first class or grade; and prisoners who are in the third class or grade shall only be allowed such correspondence privileges as may be deemed best by the superintendent. Any prisoner shall be permitted to write a letter to the Governor of the State at any time he desires, and such letter shall be mailed for him as other letters are mailed.

C. S. 7735. **Divine services; Sunday School.** The board of directors is authorized to provide for divine services for the convicts each Sunday, if possible, and to secure the visits of some minister at the hospital to administer to the spiritual wants of the sick.

C. S. 7736. **Religious instruction at Caledonia farm.** The board of directors of the State Prison Department is authorized and directed, in order to provide religious worship for the prisoners confined in the State's Prison, known as the Caledonia farm, to employ a resident minister of the gospel and to provide for his residence and support in such manner as the board may determine.

C. S. 7738. **Intermediate sentence and discharge.** The various judges of the Superior Courts of North Carolina are authorized and directed, in their discretion, in sentencing prisoners to the State Prison, to pass upon such prisoner a minimum and maximum sentence, thus making the sentence of the prisoner an indeterminate sentence, and the board of directors of the State Prison Department is authorized and directed to consider at least once every six months the cases of such prisoner as have been committed to the State Prison with an indeterminate sentence, as to whether such prisoner is entitled to a discharge, and to take into consideration the prisoner's record since committed to the charge of the board of directors of the State Prison Department: *Provided*, that the prisoner has served the minimum time to which he was sentenced after allowing credit for good behavior as authorized by law.

See Biennial Report of Attorney General—1923-1924—*Page* 251.

PUBLIC LAWS 1931, CHAPTER 198. **Prisoners allowed commutation of sentences for Sunday work.** All prisoners in the State's Prison, or in any county jail or county convict camp, who shall be assigned to regular work which requires the performance of the same, substantially the same duties on Sundays as on other days of the week, shall be allowed a commutation of their sentences for each Sunday, or fractional part of a Sunday on which they shall be required to perform the duties of the task assigned to them. The commutation of sentence provided for in this act shall be in addition to all other commutations of sentence allowed such prisoners under existing statutes and laws of the State.

C. S. 7739. **Application for pardon to include record.** Any application for the pardon of a prisoner committed to the discharge of the board of directors of the State Prison shall include a record of such prisoner since he was committed to the charge of the board; and in determining whether or not a parole or pardon shall be granted, consideration shall be given to the record of such prisoner; and the record of such prisoner shall be available to those making the application.

C. S. 7740. **Prisoners of different races kept separate.** White and colored prisoners shall not be confined or shackled together in the same room of any building or tent, either in the State Prison or at any State or county convict camp, during the eating or sleeping hours, and at all other times the separation of the two races shall be as complete as practicable. Any officer or employee of either the State or any county in the State having charge of convicts or prisoners who shall violate or permit the violation of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

C. S. 7741. **Separation of youthful prisoners.** Youthful convicts shall be kept separate from old and hardened criminals in sleeping quarters.

C. S. 7742. **Punishment for recaptured prisoners.** If a prisoner of the first or second class or grade attempts to escape or leaves the State Prison, State Farm, or State Camp without permission, he shall, upon being recaptured, be reduced to the third class or grade and shall permanently lose all his accumulated time and money; and the board of directors of the State Prison Department is authorized and directed to use every means possible to recapture any escaping or leaving, without permission, any of the State Prisons, Camps, or Farms, regardless of expense.

C. S. 7743. **Recapture of escaped felons; reward.** It is the duty of the superintendent of the State Prison Department, when any person escapes from the State Prison Department who has been confined or placed to work, to immediately notify the Governor, and to accompany such notice with a full description of the escaped, together with such information as will be of service in the recapture. The Governor is authorized to offer such reward as he may deem advisable and necessary for the recapture and return to the State Prison Department of any person who may escape or who heretofore has escaped therefrom. Such reward earned shall be paid by the Treasurer of the State upon the warrant of the Governor and charged to the penitentiary board, and by said board to be repaid to the State Treasurer, and accounted for as a part of the expense of maintaining the State's prisoners.

C. S. 7744. **Copy of this article supplied to prisoners.** This article shall be printed in pamphlet form and each prisoner committed to the charge of the board of directors of the State Prison Department shall be supplied with a copy, and its contents shall be explained to him at the time he is brought to the State Prison.

C. S. 7745. **Overseers and guards may maintain discipline.** When a convict or several combined shall offer violence to any officer, overseer, or guard, or to any convict, or attempt to do any injury to the prison building or the workshops, or shall attempt to escape, or shall resist, or disobey any lawful command, the officer, overseer, or guard shall use any means necessary to defend himself, to enforce the observance of discipline, to secure the person of the offender and to prevent an escape.

C. S. 7746. **Death of convict investigated by directors.** It shall be the duty of the board of directors, or some member thereof, upon information of the death of a convict other than by natural causes, to investigate the cause thereof and report the result of such investigation to the Governor, and for this purpose the board of directors, or any member thereof, shall have power to administer oaths, and send for persons and papers.

C. S. 7747. **Convict furnished transportation.** The Superintendent of the State Prison Department shall furnish to every convict, upon the expiration of his sentence, such transportation and such other money, or property, as may be prescribed by the rules and regulations of the board of directors adopted pursuant to the provisions of section seven thousand seven hundred and twenty-five of the Consolidated Statutes.

C. S. 7748. **Children born in State Prison Department.** Any child born of a female convict while she is in the custody of the State Prison

Department that shall not be taken in charge upon arrival at an age suitable to be separated from the mother by some of its kindred or other responsible party, shall, on the application of the deputy warden to the clerk of the Superior Court of the county of Wake, be disposed of as the law provides in the case of children whose parents are dead or unable to provide for them.

C. S. 7749. **Governor may parole.** The Governor may and it shall be his duty to parole such of the convicts in the State Prison Department as may be in his opinion necessary or useful in the upkeep of the State buildings and grounds in Raleigh, and for such other work in connection with any activities in which the State, its departments, or institutions may be engaged, with full power and authority to place such convicts under custody of any person, or persons, designated by the Governor, and to cause such convicts to be managed and controlled under his direction, and to be returned to the State Prison at such times as he may direct, and to make such regulations, or arrangements by which the State Prison Department shall be properly compensated for the labor of such convicts so used.

C. S. 7750. **Record of conduct of prisoners.** It is the duty of the superintendent of the State Prison Department and superintendents of county chain gangs or road forces, under rules and regulations to be made and promulgated by the board of directors of the State Prison Department, to keep a record of the conduct and demeanor of all prisoners held in the State Prison Department and on county chain gangs.

C. S. 7754. **No female prisoner work on streets or roads.** Nothing in this article shall be held or construed to permit the working or hiring of female convicts for work upon any street, road or highway.

C. S. 7555. **Reimprisonment.** If the Governor shall order the reimprisonment of any person discharged on parole, he may issue his order directly to the sheriff of any county in the State, directing the arrest of such person and his return by such officer to the State Prison Department, the expense of which shall be paid by the State Treasurer upon a warrant issued by the State Auditor on an order made by the superintendent of the State Prison Department.

C. S. 7756. **No deduction of time.** If any such person be reimprisoned by order of the Governor for violation of the conditions of his parole, the time such person has been out on parole shall not be deducted from the term of imprisonment to which he was originally sentenced by the court, but the time of his imprisonment shall be understood as continuing from the time he was discharged on his parole.

C. S. 7757. **No impairment of Governor's powers.** Nothing herein is to be taken as in any way attempting to interfere with, or regulate the power of the Governor to grant reprieves, commutations, and pardons and paroles.

C. S. 7758. **Counties and towns may employ.** It shall be lawful for the board of commissioners of any county, and likewise for the corporate authorities of any city or town to contract, in writing, with the board of directors of the State Prison Department for the employment of convicts in the State Prison Department upon the highways or streets of such

county, city or town, and such contracts when so exercised shall be valid, and enforcible against such county, city or town, and in the name of the State the Attorney-General may prosecute an action in the Superior Court of Wake County for the enforcement thereof.

C. S. 7759. **Duty to hire to counties and towns.** Upon application to them, it shall be the duty of the board of directors of the State Prison Department, in their discretion, to hire to the board of commissioners of any county, and to the corporate authorities of any city, or town, for purposes specified in the preceding section, such convicts as may be mentally and physically capable of performing the work or labor contemplated and shall not at the time of such application be so hired, or otherwise engaged in labor under the direction of said board of directors; but the convicts hired for services under the preceding section shall be fed, clothed and quartered while so employed by the board of directors, or managers of the State Prison Department.

C. S. 7760. **Contract for hire; how enforced.** The board of commissioners of any county, the corporate authorities of any city or town, so hiring such convicts shall pay into the treasury of the State for the labor of any convict so hired such a sum or sums of money at such time, or times, as may be agreed upon in the contract of hire; and if any such county, city or town, fail to pay the State money due for such hiring, the same shall bear interest from the time it shall become due until paid at the rate of six per cent per annum; and an action to recover the same may be instituted by the Attorney-General in the name of the State in the courts of Wake County.

C. S. 7761. **Counties to appoint superintendent.** The board of commissioners of any county and the corporate authorities of any city or town so hiring such convicts shall have power to appoint and remove at will all such necessary agents to superintend the construction or improvement of such highways and streets as they may deem proper, or to pay the costs and expenses incident to such hiring may levy taxes and raise money as in other respects.

C. S. 7762. **Contracts for labor, or products of labor regulated.** The board of directors of the State Prison Department shall in the case of any and all contracts for labor provide under their direction and management for the feeding and clothing of such convicts by the State Prison Department and shall maintain, control, and guard the quarters in which such convicts live during the time of such contracts; and the said board shall provide for the guarding and working of such convicts under its sole supervision and control. The board of directors of the State Prison Department may make such contract for the hire of the convicts confined in the State Prison as may, in its discretion, be proper and will promote the purpose and duty to make the State Prison Department as nearly self-supporting as is consistent with the purpose of its creation, as set forth in section eleven, article eleven of the Constitution; and the said board of directors may engage in and use the labor of convicts confined in the State Prison Department in such work on farms, in manufacturing, either within or without the State Prison, as the board of directors may hereafter determine to be proper and profitable to be carried on by the State Prison Department; and the said board of directors may dispose of the products of the labor of said convicts either in farming, or manufacturing, or in other industry at the State Prison, or to or for any public institution

owned, managed, or controlled by the State, to or for any county, city or town within this State; and may sell or dispose of the same elsewhere and in the open markets or otherwise, as in its discretion may seem profitable.

C. S. 7763. **To make State Prison Department self-supporting.** It is the purpose of this chapter to make the State Prison Department self-supporting as contemplated by the Constitution, and to that end the directors thereof are hereby authorized and empowered to employ the convicts therein in such form of work and to transfer such convicts from one form of work and employment to another when in the opinion of such board of directors such form of employment shall best serve the purpose.

It is further declared to be the State's policy in the conduct of the State Prison Department that convict labor shall be devoted primarily to State use, and to that end the board of directors of the State Prison Department shall as a primary purpose employ labor of such convicts in farming and in the production of such material as may be necessarily used by said State Prison Department and other institutions and departments, having due regard at all times to the promotion of the purpose set out in article eleven, section eleven, of the Constitution.

C. S. 7764. **Directors may establish reformatory.** There may be established in connection with the North Carolina State Prison Department, under the control and direction of the board of directors of that institution, a reformatory either within the enclosure of the penitentiary or elsewhere as said board shall deem most practicable and economical, in which reformatory convicts under the age of eighteen years sentenced to the penitentiary shall be confined separate and apart from other convicts.

C. S. 7765. **May exempt from convict garb.** It shall be in the discretion of the board to exempt the convicts confined in the reformatory from the requirement of wearing the usual convict garb.

C. S. 7766. **Not to apply to certain crimes.** Nothing in the two preceding sections shall apply to convicts sentenced for the crimes of murder, arson, rape, or burglary.

C. S. 7766(a). **Supervision and visitation of the State Prison Department.** That it shall be the duty of the State Board of Charities and Public Welfare to exercise a supervision over the State Prison Department, as contemplated by the Constitution, under proper rules and regulations; and that the rules and regulations be prescribed by the Governor.

DEPARTMENT FOR TUBERCULAR PRISONERS AT SANATORIUM

C. S. 7220(a). **Establishment of a sanatorium; power and authority of directors.** There shall be established at, or as near to as feasible, the North Carolina sanatorium for the treatment of tuberculosis, a sanatorium for the treatment of tubercular prisoners or convicts. The board of directors of the North Carolina sanatorium for the treatment of tuberculosis shall have all authority and power over the said sanatorium as that conferred upon the State Board of Health over the said North Carolina Sanatorium in section seven thousand one hundred and seventy-two *et seq.*

C. S. 7220(b). **Reports from county physicians or health officers; history of case, etc.** The county physician or county health officer of the various counties of the State who has examined any prisoner, or convict

upon the public roads and has pronounced him to be affected with tuberculosis, is hereby required to report such case to the board of directors of the North Carolina Sanatorium for the treatment of tuberculosis, giving a history of the same and such other facts as the board of directors of the North Carolina sanatorium for the treatment of tuberculosis may determine in its rules and regulations.

C. S. 7220(c). **Physician at State Prison and Convict Camp.** The physician in charge of the State Prison or any particular convict camp of State prisoners shall make similar reports under similar rules and regulations to the board of directors of the North Carolina sanatorium for the treatment of tuberculosis of all State prisoners who upon examination by him have been determined to be infected with tuberculosis.

C. S. 7220(d). **Examination by directors of sanatorium; transfer to sanatorium.** The board of directors of the North Carolina sanatorium for the treatment of tuberculosis, upon receiving such reports shall examine into the condition of these prisoners or convicts, and, if it is determined that such condition justifies it, shall direct their transfer from either county authorities, if a county prisoner, or the State prison, if a State prisoner, to the sanatorium herein provided. The cost of such transfer, if it is a county prisoner, shall be paid by the county from which he is transferred; if a State prisoner the cost shall be paid by the State prison.

If a tuberculous prisoner is thus transferred to the sanatorium the county from which he is sent shall, upon notice from the sanatorium that the prisoner has recovered or is in such condition that it would be safe to return him to the county, within five days after such notice, send for said prisoner and return him to the county from which he was committed. Any failure on the part of the county to send for said prisoner as herein provided after such notice shall render the county liable for the expenses of maintaining prisoner. (As Amended by Chapter 127, Public Laws 1927.)

FARM COLONY FOR WOMEN

PUBLIC LAWS 1927, CHAPTER 219.

SECTION 1. That a State institution for women, to be known as the Industrial Farm Colony for Women is hereby established.

SEC. 2. That the State Industrial Farm for Women shall be under the management of a board of five directors, who shall be appointed by the Governor. At least two members of the board shall be women. Immediately upon the passage of this act the Governor shall appoint five directors for four years each, and their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he shall succeed. The directors shall receive no compensation for their services, but shall be paid their necessary expenses incurred while engaged in the performance of their official duties.

The board shall hold an organization meeting within thirty days after appointment and shall elect from among its members a president, secretary and treasurer. The treasurer shall before receiving any funds, make a good and sufficient bond payable to the State of North Carolina in such sum as may be named by the Governor and approved by the State Treasurer.

SEC. 3. That the board of directors is authorized to use for the purpose of said institution, any site already owned by the State, when approved by the Governor and Council of State. Such land shall be located in a healthful section of the State, and shall have natural drainage and adequate natural water supply. It shall also include woodland and arable land to the end that, as far as practicable, the food for the inmates may be produced on such land. The farm must also be accessible by rail or road to all sections of the State.

SEC. 4. That the directors shall cause to be prepared plans and specifications for remodelling or erecting on such site necessary buildings for a suitable plant for the institution. The director shall furnish and equip the same ready for use. Contracts shall be made by the directors and those calling for an expenditure of over five hundred dollars shall be duly advertised and competitive bids received thereon, but whenever possible convict labor shall be used, the compensation for such to be agreed upon by the directors and superintendent of the State Prison. When such buildings have been prepared and equipped, and the necessary staff of officers has been organized, the directors shall make announcement that the institution is ready for the reception of inmates.

SEC. 5. That the directors shall have control of the institution; determine the policy of the same and make necessary rules for the discipline, instruction, mental and physicial examination and treatment of the inmates and for the labor of the inmates; cause to be kept proper records, including those of the inmates; hold regular meetings, at least quarterly, at said institution and audit the accounts of the superintendent quarterly. They shall report biennially to the Governor the general and financial condition of said institution, with such recommendations as they desire to make.

SEC. 6. That the directors shall appoint and remove at their discretion, a superintendent of said institution who shall be a woman of liberal education and special training and who has had experience in institutional management or social work, not of their number, and who, before entering upon the duties of her office, shall be sworn to a faithful performance of her duties. The superintendent shall receive such compensation as shall be fixed by the directors and shall reside at said institution.

SEC. 7. That the superintendent shall manage such institution and have control over the inmates thereof, and shall make rules and regulations for the administration of said institution, subject to the approval of the board of directors. The superintendent shall, also, subject to the approval of the board of directors, determine the number, select, appoint and assign duties of all subordinate officers, of said institution, who shall be women, as far as practicable, and shall be sworn to a faithful performance of their duties. As soon as the size of the institution demands it, a resident woman physician shall be employed. The superintendent may remove any officer appointed by her.

SEC. 8. That women sixteen years of age and older belonging to the following classes, and who are not eligible for admission to Samarcand may be committed by any court of competent jurisdiction to said institution, and not otherwise; persons convicted of, or who plead guilty to the commission of misdemeanors, including prostitution, habitual drunkenness, drug-using, disorderly conduct. The board of directors may in its discretion receive and detain as an inmate of the institution any woman or girl, not otherwise provided for, who may be sentenced by any court of the United States, within this State. Immediately upon commitment, a

careful physical and mental examination by a competent physician and a psychologist shall be made of each person committed. The court imposing sentence upon offenders of either class shall not fix the term of such commitment except as hereinafter provided. Commitment to said institution shall be made within one week after sentence so imposed, by the sheriff when sentenced by the Superior Court, and by a police officer when sentence is imposed by any city, town or inferior court, but no offender shall be committed to such institution without being accompanied by a woman in addition to the officer. The expenses of such commitment shall be paid the same as commitments to other penal institutions, in the State. The trial court shall cause a record of the case to be sent with the commitment papers on blanks furnished by the institution. The duration of such commitment, including the time spent on parole, shall not exceed three years, except where the maximum term specified by law for the crime for which the offender was sentenced shall exceed that period, in which event such maximum term shall be the limit of detention under the provisions of this act, and in such cases it shall be the duty of the trial court to specify the maximum term for which the offender may be held under such commitment.

SEC. 9. That any inmate of the institution may, upon recommendation of the board of directors to the Governor, be allowed to go on parole under the following conditions: That she is in good physical condition, has ability to earn an honest living, has a satisfactory institutional record, based on the merit system, and a proper home to which she may go, or that suitable employment has been secured in advance. Each person paroled or discharged from said institution shall be given, if the superintendent deems it best, suitable clothing, transportation expenses and a sum of money not exceeding thirty dollars. Authority is conferred on said board of directors to establish such rules and regulations as it may deem necessary, setting forth the conditions upon which inmates may be discharged or recommended for parole, and to enforce such rules and regulations.

SEC. 10. That while upon parole, each inmate of said institution shall remain in the legal custody and under the control of the board of directors, and subject at any time to be taken to said institution for any reason that shall seem sufficient to said board. Whenever any parole inmate of said institution shall violate her parole and be returned to the institution, she may be required to serve the unexpired term of her maximum sentence, including the time she was out on parole or any part thereof, in the discretion of the board of directors, or she may be paroled again if said board of directors shall so recommend. The request of said board of directors or any person authorized by the rules of said board, shall be sufficient warrant to authorize any officer of said institution or any officer authorized by law to serve criminal process within the State, to return any inmate on parole into actual custody; and it shall be the duty of police officers, constables and sheriffs to arrest and hold any paroled inmate when so requested, without any written warrant, and for the performance of such duty, the officer performing the same, except officers of said institution, shall be paid by the board of directors of said institution out of the institution funds such reasonable compensation as is provided by law for similar services in other cases.

SEC. 11. That if any inmate shall escape from said institution or from any keeper or officer having her in charge or from her place of work while engaged in working outside the walls of said institution, she shall be returned to said institution when arrested, and may be disciplined in

such manner as the board of directors may determine. Any person who advise, induce, aid or abet any woman committed to the State Industrial Farm or to the charge or guardianship of the directors of said institution to escape from said farm, or from the custody of any person to whom such women shall have been entrusted by said directors or by their authority, shall be fined not more than five hundred dollars or imprisoned not more than one year, and any woman who shall have so escaped, may, whether the limit of her original sentence shall have expired or not, be arrested and detained without warrant by any officer authorized to serve criminal process, for a reasonable time to enable the superintendent or a director of said farm, or a person authorized in writing by the superintendent of said farm or said directors and provided with the mittimus by which such woman was committed, or with a certified copy thereof, to take such woman for the purpose of returning her to said institution, and the officer arresting her shall be paid by the State a reasonable compensation for her arrest and keeping. Any woman lawfully committed to said institution who shall escape therefrom may be imprisoned in said institution for not more than one year from the expiration of the term for which she was originally committed. Prosecutions under this act may be instituted in any county in which such woman may be arrested.

SEC. 12. That if it shall appear to said board of directors, that any inmate on parole, although not having completed her maximum term, has maintainted a satisfactory parole record, and will continue to lead an orderly life if discharged, said board may recommend to the Governor that such inmate be discharged from said institution.

SEC. 13. The board of directors, in making rules and regulations for the government of said institution, shall make provision for a system of general and industrial training, including useful trades and home economics, and for proper recreation facilities.

STERILIZATION OF MENTAL DEFECTIVES

PUBLIC LAWS 1929, CHAPTER 34.

SECTION 1. The governing body or responsible head of any penal or charitable institution supported wholly or in part by the State of North Carolina, or any sub-division thereof, is hereby authorized and directed to have the necessary operation for asexualization or sterilization performed upon any mentally defective or feeble-minded inmate or patient thereof, as may be considered best in the interest of the mental, moral or physicial improvment of the patient or inmate, or for the public good.

SEC. 2. It shall be the duty of the board of commissioners of any county of North Carolina, at the public cost and expense, to have the operation performed upon any mentally defective or feeble-minded resident of the county, not an inmate of any public institution, upon the petition and request of the next kin or legal guardian of such mentally defective person: Provided,

SEC. 3. No operation under this Act shall be performed by other than a duly qualified and registered North Carolina surgeon, and by him, only upon a written order signed by the responsible executive head of the institution, or board, or next of kin, or legal guardian having custody or charge of the feeble-minded, or mentally defective inmate or patient, with the special provision that the order so issued shall in each specific case have the signed approval of four reviewers, which shall be (1) the Commissioner of Charities and Public Welfare of North Carolina; (2) the Secretary of the State Board of Health of North Carolina; (3 and 4) the Chief Medical Officer of each of any two of the institutions for the feeble-minded or insane of the State of North Carolina.

SEC. 4. A medical and family history of the feeble-minded, or mentally defective patient or inmate, so far as obtainable, shall be furnished by the original petitioner and attached to the order for the information and guidance of the reviewers. This history shall be finally deposited with the Board of Charities and Public Welfare of North Carolina as permanent record.

SEC. 5. Such asexualization or sterilization shall in all cases as in this act permitted be lawful, and the person or persons who shall request, consent, authorize or direct the same, or perform or participate in such operation as herein before authorized, permitted and directed, shall not be liable, either civilly or criminally, therefor.

VAGRANTS AND TRAMPS

C. S. 4459. **Persons classed as vagrants.** If any person shall come within any of the following classes, he shall be deemed a vagrant, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided, however,* that this limitation of punishment shall not be binding except in cases of a first offense, and in all other cases such person may be fined or imprisoned, or both, in the discretion of the court:

1. Persons wandering or strolling about in idleness who are able to work and have no property to support them.

2. Persons leading an idle, immoral or profligate life, who have no property to support them, and who are able to work and do not work.

3. All persons able to work having no property to support them and who have not some visible and known means of a fair, honest and reputable livelihood.

4. Persons having a fixed abode who have no visible property to support them and who live by stealing or by trading in, bartering for or buying stolen property.

5. Professional gamblers living in idleness.

6. All able-bodied men having no other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife or minor children, except of male children over eighteen years old.

7. Keepers and inmates of bawdy-houses, assignation houses, lewd and disorderly houses, and other places where illegal sexual intercourse is habitually carried on: *Provided,* that nothing here is intended or shall be construed as abolishing the crime of keeping a bawdy-house, or lessening the punishment by law for such crime.

C. S. 4460. **Police officers to furnish list of disorderly houses; inmates competent and compellable to testify.** It shall be the duty of the chief of police, marshal, constable or other chief ministerial officer of each city and town in this State to furnish every thirty days to the police justice, recorder, mayor, or other trial officer of such city or town a list of the bawdy, assignation, lewd and disorderly houses and other places where illegal sexual intercourse is carried on, together with the names of the keepers and inmates of such houses and places, in such city or town; and it shall be the duty of such police justice, recorder, mayor or other trial officer, upon the filing of such list, to issue his warrant for the persons declared in subsection seven of the preceding section to be vagrants, and to punish in accordance with the provisions of that section such of them as may be found guilty. In all trials under said subsection seven of the preceding section any keeper or inmate of any of the houses or places named, or his employees, shall be competent and compellable to give evidence of the character and nature of such house or place and of the character and acts of the keepers and inmates thereof; but the person so testifying shall not be prosecuted or punished for the commission of any crime about which he shall have been required to testify.

If any chief of police, marshal, constable or other chief ministerial officer of any city or town shall fail to furnish the list of houses and places provided for in this section, or shall suppress the name of any person whom he is required herein to report, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

C. S. 4461. **Tramp defined and punishment provided; certain persons excepted.** If any person shall go about from place to place begging or subsisting on charity, he shall be denominated a tramp, and shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days: *Provided*, that any person who shall furnish satisfactory evidence of good character shall be discharged without cost. Any act of begging or vagrancy by any person, unless a well-known object of charity, shall be evidence that the person committing the same is a tramp. This section shall not apply to any woman, to any minor under the age of fourteen years, or to any blind person.

C. S. 4462. **Trespassing and the carrying of dangerous weapons by tramps.** If any person shall enter any dwelling house or kindle any fire on the land of another without the consent of the owner or occupant thereof, or shall kindle a fire on any highway, or shall be found carrying any firearm or other dangerous weapon, or shall threaten to do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment at the discretion of the court, not to exceed twelve months.

C. S. 4463. **Malicious injuries by tramps to persons and property.** If any tramp shall wilfully and maliciously do any injury to the person, or to the real or personal estate, of another, he shall be punished by imprisonment, at the discretion of the court, not to exceed three years.

C. S. 4464. **Arrest of tramps by persons who are not officers.** Any person, upon a view of any offense described in the three preceding sections, shall cause the offender to be arrested upon a warrant and taken before some justice of the peace, or he may apprehend the offender and take him before a justice of the peace, for examination, and, on his conviction, he shall be entitled to the same fee as a sheriff.

VETERANS' GUARDIANSHIP ACT

PUBLIC LAWS 1929, CHAPTER 33. THE GUARDIANSHIP OF INCOMPETENT VETERANS AND OF MINOR CHILDREN OF DISABLED OR DECEASED VETERANS, AND THE COMMITMENT OF VETERANS TO UNITED STATES GOVERNMENT HOSPITALS.

SECTION 1. That this act shall be known as "The Veterans' Guardianship Act."

SEC. 2. In this act:

The term "person" includes a partnership, corporation or an association.

The term "Bureau" means the United States Veterans' Bureau or its successor.

The terms "estate" and "income" shall include only moneys received by the guardian from the Bureau and all earnings, interest and profits derived therefrom.

The term "benefits" shall mean all moneys payable by the United States through the Bureau.

The term "Director" means the Director of the United States Veterans' Bureau or his successor.

The term "State Service Officer" means such appointee of the North Carolina Commissioner of Labor and Printing as provided by chapter two hundred and eighty-eight, Public Laws of North Carolina, 1925.

The term "ward" means a beneficiary of the Bureau.

The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

SEC. 3. Whenever, pursuant to any law of the United States or regulation of the Bureau, the Director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

SEC. 4. Except as hereinafter provided it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for five wards. If any case, upon presentation of a petition by an attorney of the Bureau under this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case.

The limitations of this section shall not apply where the guardian is a bank or trust company acting for the wards' estates only. An individual may be guardian of more than five wards if they are all members of the same family.

SEC. 5. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the Bureau to the last known address of such person indicating the necessity

for the same a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this State.

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the Bureau and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

In the case of mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the Bureau in accordance with the laws and regulations governing the Bureau.

SEC. 6. Where a petition is filed for the appointment of a guardian of a minor ward a certificate of the Director, or his representative, setting forth the age of such minor as shown by the records of the Bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Bureau, shall be prima facie evidence of the necessity for such appointment.

SEC. 7. Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the Director, or his representative, setting forth the fact that such person has been rated incompetent by the Bureau on examination in accordance with the laws and regulations governing such Bureau; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the Bureau, shall be prima facie evidence of the necessity for such appointment.

SEC. 8. Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as provided by law.

SEC. 9. Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a surety bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this State. The court shall have power from time to time to require the guardian to file an additional bond.

No bond shall be required of the banks and trust companies licensed to do trust business in North Carolina.

SEC. 10. Every guardian, who shall receive on account of his ward any moneys from the Bureau, shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such accounts and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the Bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing

same and notice thereof shall be given by the court to the aforesaid Bureau office and State Service Officer not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

SEC. 11. If any guardian shall fail to file any account of the moneys received by him from the Bureau on account of his ward within thirty days after such account is required by either the court or the Bureau, or shall fail to furnish the Bureau a copy of his accounts as required by this act, such failure shall be grounds for removal.

SEC. 12. Compensation payable to guardians shall not exceed 5 per cent of the income of the ward during any year. In the event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor, payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the Bureau and the State Service Officer in the manner provided in section ten. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

SEC. 13. Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law or approved by the court.

SEC. 14. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper officer of the Bureau and the State Service Officer in the manner provided in section ten.

SEC. 15. Whenever a copy of any public record is required by the Bureau or State Service Officer to be used in determining the elegibility of any person to participate in benefits made available by such Bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf of the representative of such Bureau or State Service Officer with a certified copy of such record.

SEC. 16. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States Veterans' Bureau Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this State are hereby authorized to communicate with the Director or his representative with reference to available facilities in the United States Veterans' Hospitals and the eligibility of the veteran, and upon receipt of a certificate of admission from the Director or his representative the court may then direct such veteran's commitment to such United States Veterans' Hospital in or without the State of North Carolina. Thereafter such veteran upon admission shall be subject to the rules and regulation of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of State hospitals for mental diseases within this State with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

SEC. 17. When a minor ward for whom a guardian has been appointed under the provisions of this act or other laws of this State shall have attained his or her majority, and if incompetent shall be declared competent by the Bureau and the court, and when any incompetent ward, not a minor, shall be declared competent by said Bureau and the court, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose.

SEC. 18. This act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to the beneficiaries of the Bureau.

SEC. 19. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

WORKING CONDITIONS FOR WOMEN

SEATS FOR WOMEN

C. S. 6555. **Seats for women employees; failure to provide a misdemeanor.** All persons, firms, or corporations who employ females in a store, shop, office, or manufacturing establishment, as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests, or stools as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such seats, stools, or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

If any employer of female help in the State of North Carolina shall fail, neglect, or refuse to provide seats, as provided in this article, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders, or regulations in his or its shop, store, or other place of business requiring females to remain standing when not necessarily employed or engaged in services or labor therein, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

SEPARATE TOILETS FOR SEXES AND RACES

C. S. 6559. **When separate toilets required.** All persons and corporations employing males and females in any manufacturing industry, or other business employing more than two males and females in towns and cities having a population of one thousand persons or more, and where such employees are required to do indoor work chiefly, shall provide and keep in a cleanly condition separate and distinct toilet rooms for such employees, said toilets to be lettered and marked in a distinct manner, so as to separate the white and colored males and females of both sexes: *Provided*, that the provisions of this section shall not apply to cases where toilet arrangements or facilities are furnished by said employer off the premises occupied by him.

C. S. 6560. **Location; intruding on toilets misdemeanor.** It shall be the duty of the persons or corporations mentioned under this article to locate their toilets for males and females, white and colored, in separate parts of their buildings or grounds, in buildings hereafter erected, and in those now erected all closets shall be separated by substantial walls of brick or timber, and any employee who shall wilfully intrude or use any toilet not intended for his or her sex or color shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars.

C. S. 6561. **Failure to provide toilets a misdemeanor.** Any person or corporation refusing to comply with the provisions of the second preceding section shall be guilty of a misdemeanor, and upon conviction fined five dollars for the first offense and five dollars for each day they shall fail to make the provisions required under this article.

See Biennial Report of Attorney General—1924-1926—*Page* 297.

C. S. 6554. **Week's work for women to be 55 hours.** Not more than fifty-five hours shall constitute a week's work for women over sixteen in any factory, manufacturing establishment, mill, of the State, and no woman over sixteen employed in any of the above named places shall be worked exceeding eleven hours in any one day or over fifty-five hours in any one week. Any employer of labor violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisonment not exceeding thirty days, and each day's work exceeding the said hours shall constitute a separate offense. Provided, further, that this act shall not apply to those employed in the operation of seasonal industries in their process of conditioning and of preserving perishable or semi-perishable commodities, or to those engaged in agricultural work. (As amended by Chapter 289, Public Laws 1931.)

PUBLIC LAWS 1931, CHAPTER 112. **Night work of females between ages of 16 and 18 years prohibited.** No female between sixteen and eighteen years of age shall be employed, permitted, or suffered to work in any mill, factory, cannery, or manufacturing establishment after nine (9) o'clock in the evening, or before six (6) o'clock in the morning. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine or imprisonment, or both, in the discretion of the court.

NOTE.—*See also sections under "Child Labor," page 28.*

WORKMEN'S COMPENSATION REFERENCE

PUBLIC LAWS 1929, CHAPTER 120.

AMENDMENTS—PUBLIC LAWS 1931, CHAPTERS 164, 274, 279, 319, and SECTION 11, CHAPTER 312.

For information concerning this "Act," rules and regulations governing its administration, consult the North Carolina Industrial Commission, Division of Workmen's Compensation, Department of Labor, Raleigh, N. C.

DIRECTORY FOR NORTH CAROLINA INSTITUTIONS

1. CHILD-CARING INSTITUTIONS

A. North Carolina Children's Home Society, Greensboro, N. C.

JOHN J. PHOENIX, Superintendent.

The Children's Home Society is the official child placing agency in the State. Children are received through the official channels of the counties in the State and are placed in foster homes under supervision. The Society is supported by voluntary contributions and maintains a receiving cottage.

B. Orphanages

ALEXANDER HOME SCHOOLS, Inc., Union Mills, N. C.
W. E. SWEATT, Superintendent.

An orphanage and boarding school for motherless children combined. Controlled by Board of Trustees of Baptist denomination. Accepts children from 2 to 7 years of age.

APPALACHIAN SCHOOL, Penland, N. C.
MISS PSYCHE WEBSTER, Superintendent.

An orphanage and boarding school combined. Controlled by Board of Trustees under auspices of Episcopal Church. Accepts children from 2 to 12 years of age.

CATHOLIC ORPHANAGE, Nazareth, N. C. (Wake County)
FATHER JOHN P. MANLEY, Superintendent.

Owned and controlled by the Catholic Church. Receives dependent children from 4 to 13 years of age.

CHRISTIAN ORPHANAGE, Elon College, N. C.
REV. CHAS. D. JOHNSTON, Superintendent.

Owned and controlled by the Southern Convention of the Christian Church. Receives dependent children from 3 to 13 years of age.

ELIADA ORPHANAGE, Asheville, N. C.
REV. L. B. COMPTON, Superintendent.

Owned and controlled by a board of directors. Inter-denominational. Receives dependent children from infancy to 10 years of age.

FREEWILL BAPTIST ORPHANS HOME, Middlesex, N. C.
J. H. BENNETT, Superintendent.

Owned and controlled by Freewill Baptists. Receives dependent children from 3 to 12 years of age.

GRANDFATHER ORPHANS' HOME, Banner Elk, N. C.
REV. E. G. SMITH, Superintendent.

Owned and controlled by Southern Presbyterian Church. Receives dependent children from 3 to 10 years of age.

I. O. O. F. HOME, Goldsboro, N. C.
REV. E. L. STACK, Superintendent.

Owned and controlled by Independent Order of Odd Fellows. Receives dependent children from 4 to 12 years of age.

JUNIOR ORDER ORPHANAGE, Lexington, N. C.
W. M. SHUFORD, Superintendent.

Owned and controlled by the Junior Order of American Mechanics.

MAXWELL FARM LIFE SCHOOL, Franklin, N. C.
REV. S. M. CROCKETT, Superintendent.

Owned and controlled by the Home Mission Committee of the Asheville Presbytery. Receives dependent boys from 5 to 14 years of age. This is also a boarding school.

MEMORIAL INDUSTRIAL SCHOOL, Winston-Salem, N. C.
MAJOR CHAVIS, Superintendent.

Controlled by a board of trustees and a member of the Winston-Salem Community Chest. Receives dependent Negro children from 3 to 12 years of age.

METHODIST CHILDREN'S HOME, Winston-Salem, N. C.
O. V. WOOLSEY, Superintendent.

Owned and controlled by the Western North Carolina Conference of the Methodist Church. Receives dependent children from 3 to 13 years of age.

METHODIST PROTESTANT CHILDREN'S HOME, High Point, N. C.
REV. A. G. DIXON, Superintendent.

Owned and controlled by the Methodist Protestant Church. Receives dependent children from 4 to 12 years of age.

METHODIST ORPHANAGE, Raleigh, N. C.
REV. A. S. BARNES, Superintendent.

Owned and controlled by the North Carolina Conference of the Methodist Church. Receives dependent children from 5 to 12 years of age.

MILLS HOME, Thomasville, N. C.
REV. M. L. KESLER, Superintendent.

Owned and controlled by the Baptist State Convention. Receives dependent children from 2 to 12 years of age.

KENNEDY HOME, Kinston, N. C.

Located 7 miles west of Kinston on Route No. 10. Branch of Mills Home.

MOUNTAIN ORPHANAGE, Black Mountain, N. C.
J. H. GRUVER, Superintendent.

Owned and controlled by the Home Mission Committee of the Asheville Presbytery. Receives dependent children from four to 14 years of age.

NAZARETH ORPHANS' HOME, Rockwell, N. C.
REV. W. H. MCNAIRY, Superintendent.

Owned and controlled by the Reformed Church of North Carolina. Receives dependent children from 5 to 16 years of age.

OXFORD ORPHANAGE, Oxford, N. C.
REV. C. K. PROCTOR, Superintendent.

Owned and controlled by the Grand Lodge of Masons of North Carolina. Receives dependent children from 1 to 12 years of age. Partly supported by the State since 1878.

OXFORD COLORED ORPHANAGE, Oxford, N. C.
H. P. CHEATHAM, Superintendent.

Owned and controlled by a board of trustees, 5 of whom are appointed by the Governor. Receives dependent children from 3 to 12 years of age.

PRESBYTERIAN ORPHANS' HOME, Barium Springs, N. C.
REV. JOSEPH B. JOHNSTON, Superintendent.

Owned and controlled by the Presbyterian Church. Receives dependent children from 2 to 12 years of age.

PYTHIAN HOME, Clayton, N. C.
J. W. KNOWLES, Superintendent.

Owned and controlled by the Knights of Pythias. Receives dependent children from 5 to 16 years of age.

THOMPSON ORPHANAGE, Charlotte, N. C.
REV. W. H. WHEELER, Superintendent.

Owned and controlled by the Episcopal Church. Receives dependent children from 1 to 12 years of age.

2. MATERNITY HOMES:

SALVATION ARMY MATERNITY HOME AND HOSPITAL,
Durham, N. C., R. F. D.
MISS AUGUSTA PETERSON, Superintendent.

Admits pregnant women under 30 years of age who are first offenders. Inmates are required to stay six months. Entrance fee is $35.00 and board is $10.00 per month.

FLORENCE CRITTENTON INDUSTRIAL HOME, Charlotte, N. C.
MRS. EDNA P. COWGILL, Superintendent.

Unmarried pregnant women of any age who are first offenders are admitted. Inmates are kept from 8 to 10 months and are required to stay 6 months after birth of baby unless circumstances are exceptional. The Home is supported by voluntary contributions and a fee of $90.00 required of inmates.

GREENSBORO REST COTTAGE, Greensboro, N. C.
MRS. V. D. TUCKER, Superintendent.

Admits unmarried pregnant women up to 25 years of age, for no less than six months. The fee is $25.00 a month payable in advance. The Home is supported by organizations and individuals in Guilford County and Greensboro, N. C.

COMPTON RESCUE HOME, Asheville, N. C.
MISS CHRISTINE PRATT, Superintendent.

Admits girls or women in need of the services of a maternity home, with no age limits or restrictions. The most destitute cases are given preference. Inmates are kept six months. It is supported largely by private donations. Each girl is required to pay a medical fee of $25.00 and those who are able to pay $15 per month board.

3. STATE CORRECTIONAL INSTITUTIONS FOR JUVENILES

EASTERN CAROLINA TRAINING SCHOOL, Rocky Mount, N. C.
S. E. LEONARD, Superintendent.

Established in 1923, opened in 1926. Delinquent boys under 18 years of age are received by court commitment. Boys cannot be sentenced to the school for a definite period. When legally committed, a boy remains the charge of the institution during his minority, or until such time as he shall be discharged. Boys under 18 sentenced to state or county prisons may be transferred by the Governor to this school.

STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL, Concord, N. C.
CHARLES E. BOGER, Superintendent.

Established in 1907. Receives delinquent white boys under 16 years of age by court commitment. Boys cannot be sentenced to the school for a definite period. When legally committed, a boy remains the charge of the institution during his minority, or until such time as he shall be discharged. Boys under 16 sentenced to State or county prisons may be transferred by the Governor to this school.

SAMARCAND MANOR, STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS, Samarcand, N. C.
MISS AGNES MCNAUGHTON, Superintendent.

Established in 1918. Receives delinquent white girls by court commitment or by voluntary request. Commitment shall not be made for any specified length of time. When legally committed, the girl remains a charge of the institution during her minority or until such time as she shall be discharged. It is the policy of Samarcand to give preference to young girls.

MORRISON TRAINING SCHOOL FOR DELINQUENT NEGRO BOYS, Hoffman, N. C.
REV. L. L. BOYD, Superintendent.

Established in 1921 and opened in 1925. Receives delinquent Negro boys under 16 years of age, by court commitment. Boys cannot be sentenced or committed to the school for any specified length of time. When legally committed a boy remains a charge of the institution during his minority or until such time as he shall be discharged. Negro boys under 16 who have been sentenced to State or county prisons may be transferred to the institution by the Governor.

NORTH CAROLINA HOME FOR COLORED GIRLS, Efland, N. C.
MRS. J. H. BLUE, Superintendent.

Opened 1926. Controlled by the State Federation of Colored Women's Clubs, but a small appropriation has been made each year since the first State grant was made by the General Assembly of 1927. Delinquent Negro girls under 16 years of age are received by court commitment.

4. INSTITUTION FOR FEEBLE MINDED

CASWELL TRAINING SCHOOL, Kinston, N. C.
W. H. DIXON, M.D., Superintendent.

Established in 1911. Receives feeble minded boys and girls and feeble minded adults in certain cases. Before applications for admission are submitted they must be approved by local welfare officer and either the judge of the juvenile court or the clerk of court of the county wherein the applicant resides.

5. ORTHOPEDIC HOSPITAL

NORTH CAROLINA ORTHOPEDIC HOSPITAL, Gastonia, N. C.
ROBERT B. BABINGTON, President.

Founded 1909 and opened in 1921. Surgeons: Dr. Oscar L. Miller, Dr. J. S. Gaul. Founded for the scientific treatment and healing of crippled and deformed children, of sound mind. It was created a State institution by the General Assembly of 1917, but did not receive children until 1921. The hospital now has a ward for Negro children, given by B. N. Duke.

6. SCHOOLS FOR BLIND AND DEAF

SCHOOL FOR THE BLIND AND DEAF, Raleigh, N. C.
G. E. LINEBERRY, Superintendent.

Established in 1845. Receives white blind children of sound mind between the ages of 7 and 21.

In separate institution, founded 1868 colored blind and deaf are received.

SCHOOL FOR THE DEAF, Morganton, N. C.
E. McK. GOODWIN, Superintendent.

Established 1894. Receives deaf white children between the ages of 7 and 21.

7. HOSPITALS FOR THE INSANE

STATE HOSPITALS

STATE HOSPITAL AT RALEIGH.
ALBERT ANDERSON, M.D., Superintendent.

Established 1856. Receives insane persons from the eastern part of the State. Special arrangements for epileptics, criminal insane, and Indian insane. Inebriates are treated at this institution.

STATE HOSPITAL FOR THE INSANE, Morganton, N. C.
JOHN MCCAMPBELL, M.D., Superintendent.

Established 1875. Receives white insane persons from the western part of the State.

STATE HOSPITAL AT GOLDSBORO.
W. C. LINVILLE, M.D., Superintendent.

Established 1880. Receives legally committed Negro insane patients and inebriates, resident in the State of North Carolina.

PRIVATE HOSPITALS FOR THE INSANE

APPALACHIAN HALL, Asheville, N. C.
WILLIAM R. GRIFFIN, M.D., Director.

BEALMONT PARK SANATORIUM, Black Mountain, N. C.
LOUIS G. BEALL, M.D., Director.

BROADOAKS SANATORIUM, Morganton, N. C.
JAMES VERNON, M.D., Director.

GLENWOOD PARK SANATORIUM, Greensboro, N. C.
W. C. ASHWORTH, M.D., Director.

8. SANATORIUM FOR TUBERCULAR PATIENTS

NORTH CAROLINA SANATORIUM FOR THE TREATMENT OF TUBERCULOSIS, Sanatorium, N. C.
P. P. MCCAIN, M.D., Superintendent.

Established in 1907. Indigent tubercular patients may be treated at the Sanatorium, when the board of city or county commissioners agree to pay one dollar per day. A building for the treatment of children is maintained. Divisions: one for Whites; one for Children; one for Negroes; and one for Criminal Tuberculous.

9. HOMES FOR VETERANS AND WIDOWS

SOLDIERS HOME, Raleigh, N. C.
W. T. MANGUM, Superintendent.

Established 1891. To the Soldiers Home are admitted "such deserving, needy Confederate soldiers as shall have served in any North Carolina command in the late war, or who shall have served in the Confederate army and shall be a bona fide citizen of the State," under regulations adopted by the board of directors. (See C. S. 5127-5133.)

CONFEDERATE WOMEN'S HOME, Fayetteville, N. C.
MRS. INA FOUST SMITH, Superintendent.

Established 1913. To the Confederate Women's Home are admitted "deserving wives and widows of North Carolina Confederate soldiers and other worthy women of the Confederacy who are bona fide residents of this State," under such regulations as the board of directors may adopt. (See C. S. 5134-5140.)

10. PENAL INSTITUTIONS

INDUSTRIAL FARM COLONY FOR WOMEN, Kinston, N. C.
MRS. MARIAN F. GALLUP, Superintendent.
Established 1927.

STATE PRISON, Raleigh, N. C.
GEORGE ROSS POU, Superintendent.
Established 1869.

STATE HIGHWAY COMMISSION PRISON DEPARTMENT.
SAM D. SCOTT, Supervisor Prison Camps, Raleigh, N. C.
Provided for in 1931.

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Brief History

OF

Care of the Under-Privileged Child

IN

North Carolina



SPECIAL BULLETIN No. 13

ISSUED BY THE
NORTH CAROLINA STATE BOARD OF CHARITIES AND PUBLIC WELFARE
MRS. W. T. BOST, *Commissioner*
RALEIGH, N. C.
1934

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FOREWORD

The purpose of this bulletin is to give a resume of how North Carolina provides for its under-privileged children from both public and private sources. In presenting this picture, it is aimed to visualize the needs of these children not only in groups but as a whole so that the full extent and nature of the problem of the under-privileged or handicapped children of our State may be seen.

Chapters I through VIII of this Bulletin are based on talks made by the Director of the Division of Child Welfare through the Station WPTF in Raleigh during the summer and fall of 1930. Chapter IX is based on talks, changed somewhat, made in 1931 and 1932.

Our greatest needs seem to be elimination of the County Home as a child-caring institution, improvement in standards of case-work, more funds and a closer co-ordination of all agencies, public and private, in using all available facilities in the State to help each child, according to his *individual* need.

Special mention should be made of valuable data on the history of child welfare in the early days of North Carolina secured from *"Public Poor Relief in North Carolina,"* by Dr. Roy M. Brown, University of North Carolina. Source material from this volume has been used freely. Many thanks are due Mr. A. A. F. Seawell, Assistant Attorney General, for his suggestions regarding the development of the laws on Abandonment, Adoption and Bastardy.

LILY E. MITCHELL, *Director,*
Division of Child Welfare, North Carolina
State Board of Charities and Public Welfare.

Raleigh, N. C.,
February, 1934.

INTRODUCTION

This Twentieth Century has been called the Age of the Child for never before has the individual citizen and likewise the community shown such a keen interest and responsibility for present and future welfare of the children. Many times have we heard "The child is the Nation's chief asset," "The race moves forward on the feet of the children," and "The child is the hope of the future." These quotations express the basis of our interest in children as potential adults or citizens. But is there not a more deep-seated and personal interest which moves each of us when we see a happy laughing child, a sick child, or a mistreated child? We feel the urge to caress, love, protect and help the individual child as the young and helpless of the race. There is an instinctive or emotional, as well as the rational basis, for our interest in children.

Yet we of this age should not take unto ourselves the credit for initiating the child welfare movement. Humanitarians of the early Christian era likewise served the needy child in their midst. We find record of early Christians following the teaching of Jesus who said "Inasmuch as ye have done it unto the least of these, my little ones, ye have done it unto me"; and preaching against infanticide and selling of infants. Under this influence, finally, Roman Emperors issued declarations or laws that children must be protected.

Perhaps the real interest of these rulers was in preserving children to become future soldiers. But the interest of the leaders of the Church centered in the family and its individual members when it authorized the deacons to provide for the widow and the orphan. In 787 A. D. a hospital for foundling children, the most extreme type of the abandoned, neglected and dependent child, was established by the Archbishop of Milan. In the dark or middle ages, the Church, notwithstanding its heresies and faults in this period of retrogression, assumed full responsibility for most of the orphans of that day. St. Vincent de Paul is credited with having founded the first asylum for the neglected and dependent children of France. His idea spread to other European countries and thence to America. Colonial America however, inherited her institutions or methods from England, so we find child-caring methods in the United States even today influenced by the English Poor Laws of the early Sixteenth Century.

I

THE DEPENDENT CHILD AND THE APPRENTICESHIP SYSTEM IN COLONIAL NORTH CAROLINA—1695

The first settlers of North Carolina were predominantly English, coming with their families and chattels into the northeastern or Albemarle section of the State from Virginia or directly from the mother country, England. Their customs and traditions therefore were English and although their pioneer mode of living was necessarily crude, their legal thought and social practices were perhaps more nearly on a par with those of sixteenth and seventeenth century England.

The English laws of legal settlement had already been defined; they were supplementary or companion to the poor laws. In the latter part of the fourteenth century the poor laws had been developed to a definite recognition of the pauper poor as a distinct class. The North Carolina settlement and poor laws of today are strikingly similar in intent and structure to these old English laws. From these settlement and poor laws as a root have sprung or developed all our laws especially designed to protect the under-privileged child handicapped by physical or mental infirmity, dependency, neglect, abandonment or so called delinquency. Or in other words, social or civil rather than criminal law has been the basis of our child welfare legislation.

Summarizing these early laws, they aimed (1) to suppress begging, (2) to make "each community responsible for its own poor" first by voluntary contribution under the supervision of the church then later by taxation, (3) to solve the problem of the dependent child by the apprenticeship system, and (4) to protect the community from the burden of the illegitimate child by placing responsibility on the mother and reputed father.

As far back as 1535, the English Poor Law provided that "justices of the peace, constables and other local officials should have authority to take up all children between five and fourteen years who were begging or in idleness and apprentice them to be taught some craft by which they might earn their living when they should come of age." Later a law provided that dependent boys should be apprenticed until they were twenty-four years old and girls until they were twenty-one or were married.

Apparently the first court record of apprenticeship or "binding out" a dependent child in North Carolina was made in 1695 in "County of Albemarle." It is: "Upon ye Petition of Honell Thomas Harvey esqr., ordered ye Wm ye son of Timothy Bead late of County of Albemarle Deceased being left destitute be bound unto ye sd Thomas Harvey esqr and Sarah, his wife until he be at ye age twenty-one years and the said Thomas Harvey to teach him to read."

Several records in the Perquimans Precinct Court in January 1699 show where orphan boys were bound out. Evidently four of them were brothers, all having the surname Taylor. Two were placed in one family while the other two were placed in different families. In this same court in 1702 a woman bound her daughter out until she should become 18 years of age or marry.

In the record of the Perquimans Court under date of March 9, 1703 also is found the following entry: "Upon a petition of Gabriel Newby for two orphans left him by Mary Hancock the late wife of Thomas Hancocke and proveing the same by the Oathes of Eliz. Stenward and her daughter the Court doe agree to bind them unto him he Ingaging and promising before the Courte to doe his endeavours to learne the boy the trade of a wheelright and likewise give him at the expiration of his time one ear old heifer and to ye girle at her freedome one cow and calfe beside the custome of the Country and has promised at ye next orphans court to Sign Indentures for that effect."

As indentured servants were allowed three barrels of Indian corn and two suits of clothes at the expiration of their terms of service, it is assumed that term "Custome of the Country" in this Court order covered or assured such articles to this brother and sister from their master.

A record in the Parish of St. Paul's, Chowan County, in 1704 shows the church paying a man three pounds per annum to care for an orphan. Similar entries are made until 1708 when the man assumed "to keep the child without further charge." But there is no record indicating that any requirement was made of the keeper of the child by the church wardens or by the precinct court.

In 1715 the Colonial Assembly of North Carolina passed the first apprenticeship law, having heretofore adopted the principles of the English law without writing them into our statutes. This law provided:

"1. That the precinct court only should apprentice orphans;

2. That all orphans should be educated according to their rank and degree out of means of their property if there were sufficient; and

3. That destitute orphans should be bound apprentice to some handicraft trade."

But in 1735 Governor Gabriel Johnson opposed this law as "highly unjust" as it "seems designed to encourage and protect unjust guardians who rob their wards, a practice too common in this country." Evidently Governor Johnson also felt the children themselves were ill treated in some instances as there is also record of complaint that he had released orphans who had been bound by the justices.

Then in 1755 it was recommended by the Committee on Propositions and Grievances of the Colonial Assembly that "Grand Juries in the county courts have power to make inquiry into the abuse of orphans and their estates and the Relief in such cases be had in a summary way." Also in the same year the law regarding "orphans" was amended to provide that the church warden in every parish should furnish to the justices of the Orphans Court at its annual session the names of all children without guardians; that the guardians should maintain and educate the orphan according to his or her degree; that indigent orphans should be apprenticed, boys until they were twenty-one and girls until they were eighteen or were married; and that orphans so apprenticed should be trained for some trade or employment and taught to read and write. Moreover the court had the authority to remove any apprentice if the master did not carry out these terms.

This law was repealed in 1759 because the Chief Justice and the Attorney General of the Colony criticized its provisions, declaring "the jurisdiction that is thereby given to the county courts (orphans courts) is not warranted by any similar practice or law in this county." It was re-enacted however in 1760.

In 1762 the law of 1760 was in turn amended, transferring the duty of reporting children without guardians from the church warden to the grand jury. At the same time provisions of apprenticeship were extended to include "all free, base-born children" and "every such female child being a mulatto or mustee."

After the Revolutionary War the county courts were vested with the power of apprenticing children. Then in 1888 this power was transferred to the Clerk of the Superior Court of each county. To this day this official holds the power of all legal adoptions of children and responsibility for estates of orphans.

Although in 1793 there was enacted a state-wide law which empowered wardens of the poor to build houses for caring for the poor in their respective counties, the first almshouse or County Home was not built until about 1824 or 1826. So as not even the almshouse was available for caring for dependent or orphan children, the apprenticeship method regardless of its abuses flourished during the period of 1695 to 1825. (The latter date is not definite.) After 1825 children with their relatives were cared for in almshouses to some extent. In the early part of the nineteenth century there was also a movement to protect children from the abuses of binding out or apprenticeship by providing for them in private institutions. But this movement seems not to have been well-supported until after the Civil War, so binding out remained the chief method of care for the orphan until the establishment of several large orphanages in the last half of the ninteenth and early part of the twentieth century and the enactment of the Juvenile Court Law in 1919.

II

INSTITUTIONAL CARE OF DEPENDENT CHILDREN

ORPHANAGES—1812
COUNTY CHILDREN'S HOMES—1891

ORPHANAGES—1812

The New Bern Charitable Society was the first agency incorporated in the State by an act of General Assembly for "the relief of the poor" and "the education of poor female children." This was in 1812. Then, a year later, the Female Orphan Asylum Society of Fayetteville was incorporated with the authorization to take under its care and protection by and with the consent of the Wardens of the poor of Cumberland County children who were destitute of both parents and who might become chargeable to the county. The Society was "allowed to board, clothe, and educate" children until they were considered "properly qualified to bind out to proper trades and professions." This binding out by the Society was to be done "by and with the consent of the county court of Cumberland" and "in the same manner as the county court have heretofore done." Apparently the function of this agency was one of child-placing rather than of child-caring, it following the principles of the old apprenticeship system. These two early agencies evidently assumed responsibility for children within their respective localities only, and have long since ceased to exist.

It was not until the period following the Civil War that congregate institutional care by private charity or that the orphanage became an established institution in the State. Perhaps because private charity had been slow to develop permanent organizations for care of children, the Constitution of 1868 provides that "there shall also, as soon as practicable, be measures devised by the state for the establishment of one or more orphan houses where destitute orphans may be cared for, educated and taught some business or trade." In a preceding clause of the Constitution however, it is stated "beneficent provision for the poor, the unfortunate and orphan . . . . is one of the first duties of a civilized and Christian State." Moreover the history of the colony and early state shows all care of children conducted under public auspices. Hence it is probable that legal

precedent and social custom developed from 1695 to 1868 would have led to the constitutional provision for "orphan houses" regardless of ineffective efforts of private charity prior to 1868.

The State has never established such type of institution however but has complied with this constitutional requirement by subsidizing the two oldest orphanages in the State which were established a few years after the writing of the Constitution of 1868. These orphanages are the Oxford Orphanage, established in 1872 and the Colored Orphanage, established in 1883. Both institutions are located in Oxford, Granville County. Each Legislature appropriates public funds toward their maintenance.

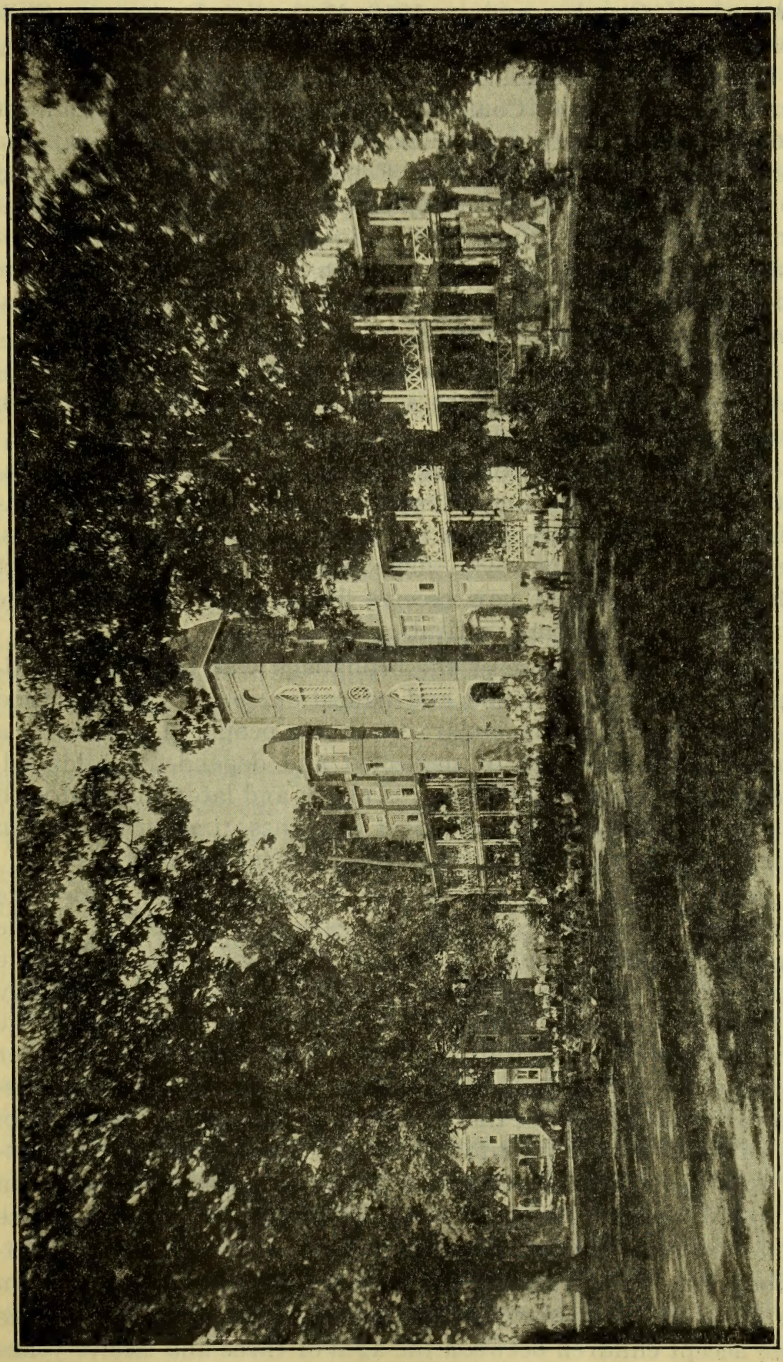
Oxford Orphanage, controlled by the Masonic Lodge, was established by action of the Grand Lodge of Masons of North Carolina whereby St. John's College was converted into an institution "for the protection, training and education" of indigent orphans in the State. The founder or first superintendent of this institution was John H. Mills, revered as the father of the orphanage movement in North Carolina. He was also the first superintendent of the Baptist Orphanage at Thomasville, the third institution of this type to be established in the State, in 1885—originally called Baptist Orphanage, it was later re-named for Mills. This institution has a branch, Kennedy Home in Lenoir County which was opened in 1914.

Next the Protestant Episcopal Church founded Thompson Orphanage in Charlotte, in 1887, and four years later in 1891 the Presbyterian Orphans' Home at Barium Springs was established. It operates under the auspices of the Southern Presbyterian Church which has since founded two other orphanages in the State, namely Mountain Orphanage at Black Mountain, in 1904, and Grandfather Orphans' Home at Banner Elk in 1914. The Maxwell Training School located in Macon County in 1923 merged with Mountain Orphanage in 1932.

In 1894 the Catholics established St. Ann's Orphanage for Girls at Belmont but this institution in 1927 was merged with the Catholic Orphanage for Boys near Raleigh, opened in 1899.

The Eastern North Carolina Conference of the Southern Methodist Church founded the Methodist Orphanage in Raleigh in 1899. Then ten years later in 1909 the Children's Home was established in Winston-Salem to serve the Western Conference.

In 1904 Eliada Orphanage, Asheville, and Christian Orphanage at Elon College were founded; in 1906 Nazareth Orphans' Home in Rowan County; in 1909 Falcon Orphanage in



ORIGINAL BUILDING, OXFORD ORPHANAGE

Cumberland County; and in 1910 Methodist Protestant Children's Home near High Point. The Freewill Baptist Orphanage in Nash County, established in 1920, and the Quaker Children's Home in Moore County, established in 1927, are the most recently founded institutions conducted under religious auspices. The Independent Order of Odd Fellows established the second orphanage in the State to be conducted by a fraternal organization at Goldsboro in 1892. The Knights of Pythias next established the Pythian Home near Clayton in 1910, and the Junior Order of American Mechanics established the National Orphans' Home near Lexington in 1926.

Of the twenty institutions named above, seven accept children from other states, eight serve the entire State of North Carolina, and five may serve only a portion of the State.

There are three institutions, namely: South Mountain Industrial Institute (1919) and Alexander School (1925) and Appalachian School (1925) which were originally boarding schools. These institutions however have come to accept dependent children and therefore now receive financial assistance and are regarded as child-caring institutions.

The original purpose of the orphanage was to provide indigent orphans with a home and education, but as this method of child-care became popular, to many people it appeared a panacea for all the ills of neglected and dependent childhood. So eventually many cases of half orphans and later children with both parents living were received into these institutions when their home environment failed to assure them a proper rearing.

Again, in the early days of the orphanages and before the State had made provision for the care and treatment of the mentally defective child in Caswell Training School and the crippled child in the North Carolina Orthopedic Hospital, many of these handicapped children were cared for along with the normal children in institutions. Such a plan is best for neither type of child, so now only normal children are eligible for admission to orphanages since these institutions undertake to maintain and educate them at least to the age of 18 years, and by so training to enable them to become self-supporting citizens, as soon as possible after release. Of course too, older children whose habits are fixed cannot adjust happily or satisfactorily to institutional life; therefore it has been found advisable to set an age limit for admission. The majority of institutions in the State accept children between the ages of three and twelve years

only. However, when refusal to accept a child not in this age group means separation of brothers and sisters, this regulation is sometimes set aside. The aim of the orphanage is to save to the child what is left of his family relationships instead of breaking these up through placement in foster homes as a family group of brothers and sisters should be kept intact if possible. So the general trend of the orphanage has been long time care for the dependent legitimate child who has definite family ties.

This same idea has led to giving a child as nearly as possible an intimate home life within the larger institutional life and has developed the cottage plan in grouping children. This means placing a comparatively small number of children, both boys and girls, of ages one would find in a family group in a small home-like "cottage" where under the affectionate and sympathetic guidance of a cottage mother they eat, sleep, work and play just as they would in their own home. Ideally not more than twelve or fifteen children should be in one cottage. But with the older institutions built some years prior to this conception of grouping children, such a plan is not possible because of their large buildings. In the earlier days of institutional care for children one or two very large buildings housed several hundred children, living in large dormitory rooms. Under such arrangement, children followed a weary routine in all their activities as supervising such large groups meant rules, formality and little intimate personal contact between the child and his caretaker. This old type of institution is called "congregate" while the new type is called "cottage plan." There are orphanages of both types in North Carolina. Two or three are definitely cottage plan and a few are congregate, but most are a cross between the congregate and cottage plan in arrangement, trying to adapt old buildings as far as possible to "new methods."

The cottage mother or matron who has charge of a group of children substituting for their own mothers as far as possible is perhaps the most important member of the orphanage staff. She should have the most intimate relationship with every child in her care and is chiefly responsible for developing personality. Of course, the fewer children under her care, the more effectively will she be able to meet the needs of each individual child. Every child in an institution in North Carolina has an opportunity for recreation as well as the advantage of training in and responsibility for tasks suited to his years and ability.

Another important member of the orphanage staff is the case-worker. She is the representative of the institution who investigates carefully each application, going into the home and community in order to determine if the child in question could be cared for by relatives and whether it is to his best interests to be admitted to the orphanage group. By this careful study of the individual child, both his interests and those of the institution and of society in general are best served and protected. Three orphanages in this State have case workers on their staffs. Others have not been able to provide such a worker because of lack of funds. But the superintendent and board of practically every institution in the State sees the value of the service such a worker can give.

As the first orphanages were established prior to development of public school systems, each institution maintained its own school where eventually high school as well as elementary or grade subjects were taught. The more recently established institutions however found it advantageous to use the local public school. Their governing boards believed such plan meant not only a financial saving but gave the children in their care a wider range of normal social contacts with other children and adults of the local community. The result of such contacts later assists the institutional child to take his place and adjust more happily in the average community when he is ready to leave the institution and go into the world for himself.

Then the Legislature of 1931 made it possible for all "children living in and cared for and supported by any institution established or incorporated for the purpose of rearing and caring for orphan children" to attend the public school or schools of the district wherein such an institution is located. The report of the Orphans' Section of the Duke Endowment for 1932 shows 13 of a total of 29 child-caring institutions in the State (receiving aid from the Endowment) using the public schools, 11 still using their own institutional schools and 5 using both systems by maintaining their own schools for the younger children while using the local public high schools for the older children. The use of public schools for educating the child in the orphanage reduces the expense of his maintenance in the institution. The average daily cost of maintenance of a child in a North Carolina institution was 71 cents for the year 1932; it was 83 cents in

1928. A study by the Duke Endowment shows the sources of funds for financing North Carolina orphanages to be as follows:

Religious Organizations	32%
Relatives, Miscellaneous Gifts	27%
Public Funds	14%
Fraternal Orders	17%
Duke Endowment	10%

A comparison of these items and figures with similar items and figures for 1931 shows a decrease of 2% in contributions from religious bodies and a decrease of 4% in contributions from relatives and other gifts with a subsequent increase of 5% in contributions from public funds and 1% increase from the Duke Endowment.

The Duke Endowment was established by Mr. James B. Duke in December, 1924, for educational and philanthropic purposes. One provision of the indenture and deed of trust sets aside 10% of the net income of the trust to be used for care of orphans and half-orphans in the Carolinas. Thus for the first time in the history of child welfare in the State, all orphans in North Carolina in need of financial aid could be benefitted from one common private source.

The report of the Orphans' Section of the Duke Endowment for the year 1926 lists 26 institutions in North Carolina receiving a total of $39,622.50 from Duke Endowment for the year 1925. The report for the year 1932 lists 30 institutions receiving a total of $98,185.92.

Financial assistance is only one phase of service rendered these institutions by the Duke Endowment. It is helping them to improve standards of care through personnel, equipment and methods. The evaluation or rating of an institution by the Endowment is based on the following score table or card given in the report for 1931:

	Total	1000
I	Social Service	250
II	Housing	125
III	Food	100
IV	Clothing	75
V	Education	115
VI	Health	85
VII	Moral and Religious Training	150
VIII	Financial Records	100

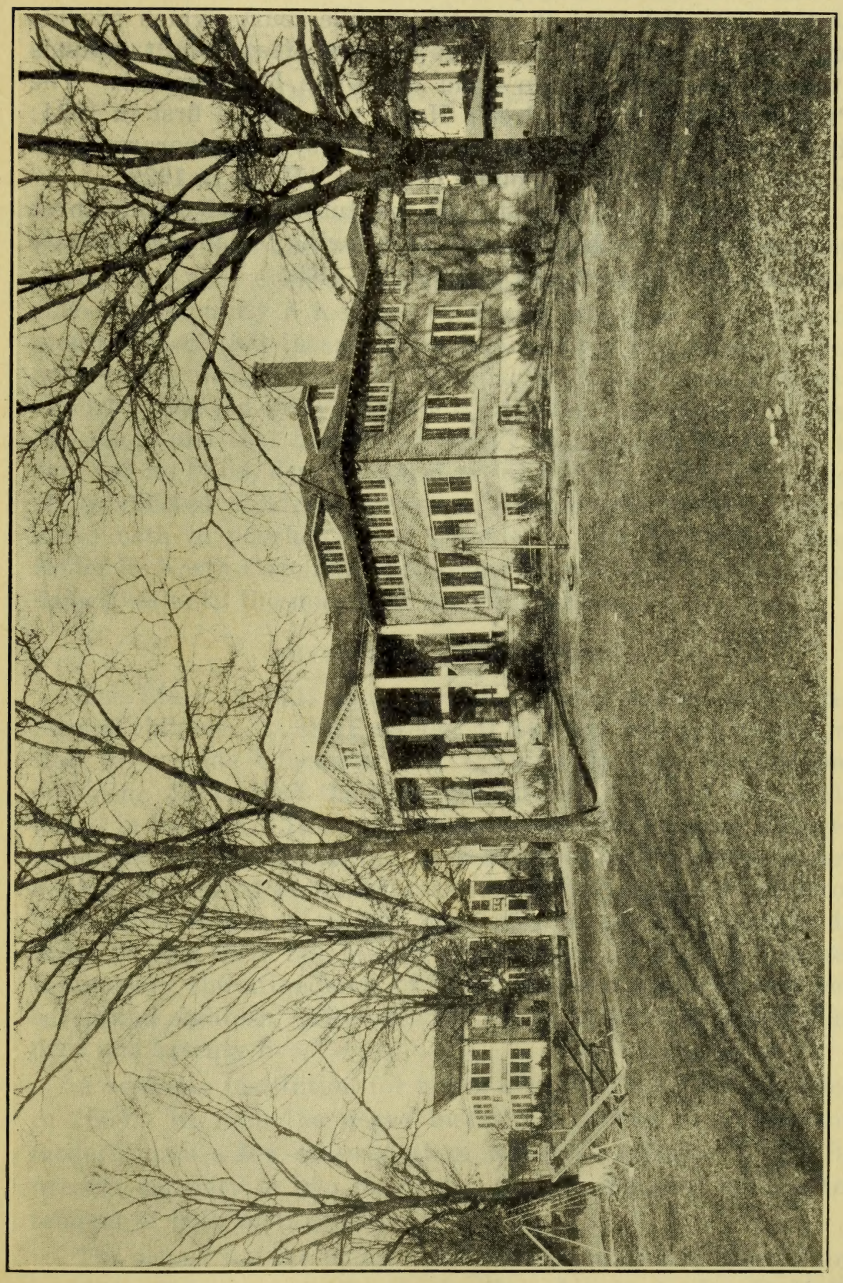
The report for 1932 shows the average score of North Carolina institutions was twenty-five points higher than in 1931.

Only the institutions which have survived the vicissitudes of time and changing fortunes have been mentioned. There is no accurate data regarding those which once existed but have become extinct because of inadequate finances, unworthy purpose or inability to adapt their programs to social changes. The annual reports of the State Board of Charities and Public Welfare for 1910 and several years following evinces concern for these weaker institutions and recommends legislation whereby there shall be "certification of all institutions hereafter established to care for dependent children . . . . issued by the State Board of Charities and Public Welfare after thorough investigation as to means of support and reliability of person or persons desiring to establish such institution." Such legislation was enacted in 1917. Legislation in 1931 further defined this duty and power.

COUNTY CHILDREN'S HOMES—1891

The Female Orphan Asylum of Fayetteville, founded in 1813 and mentioned at the beginning of this chapter, seems to have been the first local or county children's institution in the State. The second apparently was the Buncombe County Children's Home, established in 1891. It was originally a private agency and it continues to operate under a Board of Managers or Trustees. But for several years it has been financed from public funds by the city and county. Alexander Home, Charlotte, established 1894, is a private agency providing care over a period of several years if necessary for dependent children of Mecklenburg County. The Memorial Industrial School, a private agency near Winston-Salem was opened in 1900 to provide long time care for negro children of Forsyth County. A few years ago it moved into a commodious and attractive new plant.

Wright Refuge, established near Durham in 1922, is a private agency providing temporary care for children of Durham County. The Salvation Army Children's Home in Wilmington, opened in 1932, has a somewhat similar aim and plan. The Juvenile Relief Association of Winston-Salem, established in 1923, the Junior League Baby Home in Asheville, established in 1927, and the Emergency Home for Children in Greensboro, opened in 1933, give temporary care for dependent children of their respective cities. The first two of these last named agencies accept only children under six years of age.



BUNCOMBE COUNTY CHILDREN'S HOME

Courtesy The Plateau Studios, Asheville, N. C.

There are four County Children's Homes operated in connection with the local or county juvenile courts which provide temporary care. They of course are supported from tax funds (though two receive help from the Duke Endowment). The Pasquotank County Children's Home was opened first in 1924; then the Wake County Home in 1925; Forsyth Temporary Home in 1928; and the Gaston County Children's Home in 1929.

The above listed twelve local institutions and twenty-three institutions serving larger areas were caring for an approximate total of 4,000 children on December 31, 1932.

III

INSTITUTIONAL CARE OF PHYSICALLY AND MENTALLY HANDICAPPED CHILDREN—1845

In a pioneer community conditions of living are hard for the most rugged men and women. In the struggle for existence it is essential that everyone do his share of work. Therefore in such a community a member of society who has a physical or mental defect that incapacitates him to labor is a burden. One can readily imagine that in Colonial North Carolina defective children received little attention from other members of a busy household and that the poorer family soon sought public aid to care for its blind, deaf, crippled or idiot child. "Children, especially afflicted children, formed a considerable group of those aided both in poorhouse and outside."—(Brown—Public Poor Relief in North Carolina.) No especial provision was made for defectives until the middle of the 19th century.

PHYSICALLY HANDICAPPED

The State in 1841 inaugurated a public school system for normal children, its chief assets. It likewise realized its obligation to provide education and training for the handicapped children. So in 1845 the State School for the Blind was established in Raleigh. This institution receives white blind children of sound mind between the ages of seven and eighteen years during the period of school year and may continue to care for them until they are twenty-one years of age if necessary in order to help them become self-supporting. A State law makes compulsory the attendance of blind and deaf children between seven and eighteen. The capacity of the institution is one hundred and seventy-five.

A separate institution for negro deaf and blind was founded in 1868. In 1932 the negro institution moved to a new and modern plant a few miles south of Raleigh on Highway 10. Its present capacity is two hundred. G. E. Lineberry is superintendent of both institutions.

The school for the white deaf was established in Morganton in 1891. It has a capacity of over three hundred. Dr. E. McK. Goodwin is the superintendent.

All three of these institutions train in manual arts as well as in public school subjects.

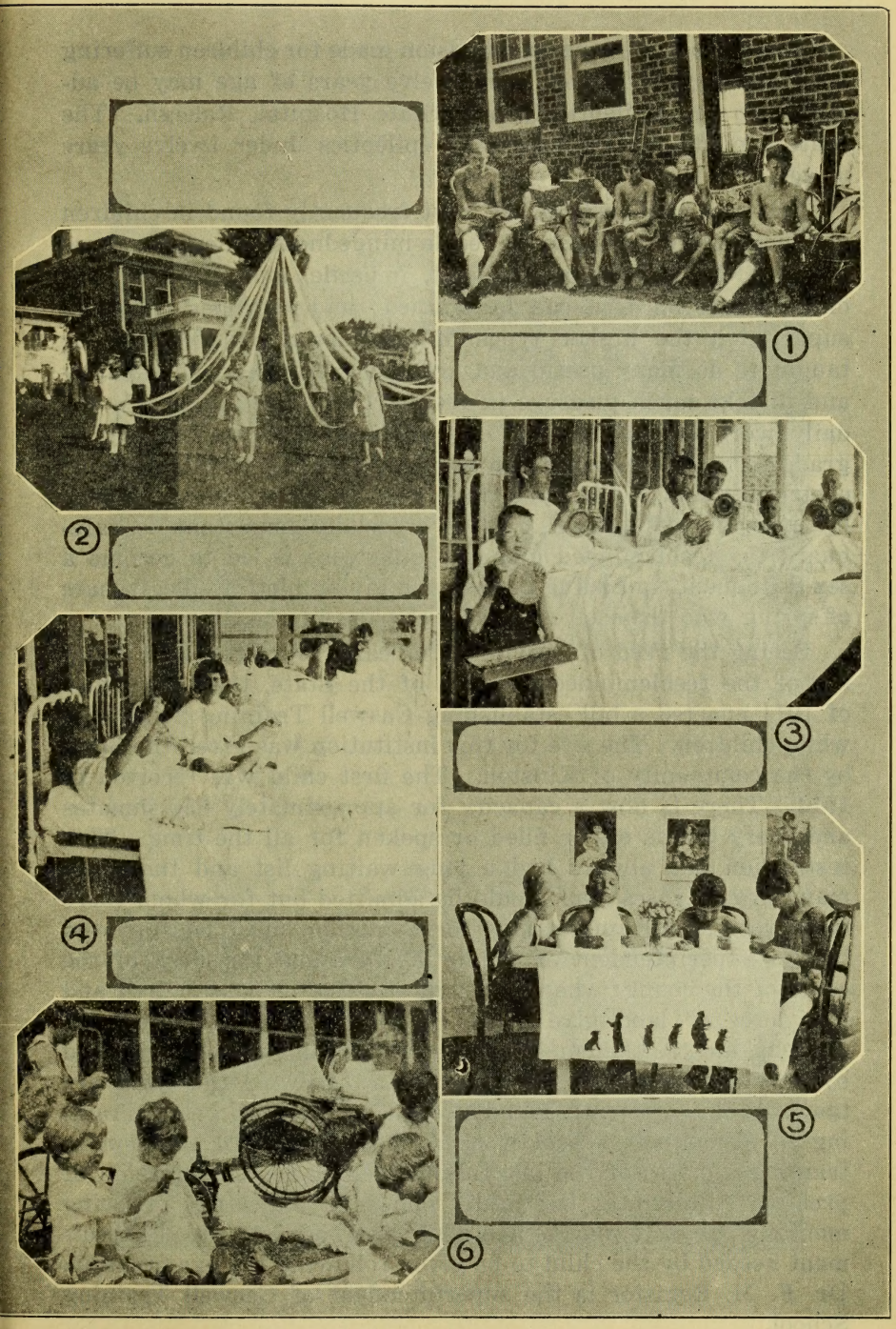
The crippled child as well as the blind, or the deaf and dumb child comes in the group of the physically handicapped. In 1909 the movement for an orthopedic hospital where little limbs might be straightened and the boy or girl learn to walk or run like other children was started. Robert B. Babbington was its leading spirit. In 1917 by legislative enactment, the hospital at Gastonia or the "North Carolina Orthopedic Hospital" became a State institution. As such it first received patients in 1921, having then a sixty bed capacity. Its services are free to all indigent crippled children in the State who are under sixteen years of age. The hospital now has a one hundred and sixty bed capacity with one hundred and ten beds for white children and fifty beds for negro children. This ward for negro children was made possible by a $15,000 gift from Mr. B. N. Duke. While in the hospital, children are taught not only elementary or graded school subjects but "various crafts and handiwork." Thus while the child's body is being repaired, his mind is being trained, helping him to start on the road to usefulness and happiness. Miss Dorothy M. Sutton is the superintendent of the hospital.

Out-patient clinics are held at the hospital in Gastonia on Tuesday and Friday afternoons of each week. Then once a month an all-day clinic is held in Goldsboro for the convenience of children in the eastern part of the State. At these clinics two types of examinations are made. Children are examined and their condition diagnosed prior to their receiving treatment in the hospital. Also children who have been discharged from the hospital after receiving treatment are given follow-up examinations and treatment when necessary.

Since 1927 one building at the North Carolina Sanatorium for Tuberculosis in Hoke County has been set aside for treatment of tubercular infected white children. The capacity is forty-eight children. Soon there will be space available for care of twenty negro children.

MENTALLY DEFECTIVE

A general classification of mentally defective children is insane, feeble-minded, and epileptic. The diagnosis of insanity has been made for comparatively few children and therefore there is no especial provision for their care. They are accepted for treatment in hospitals for insane.

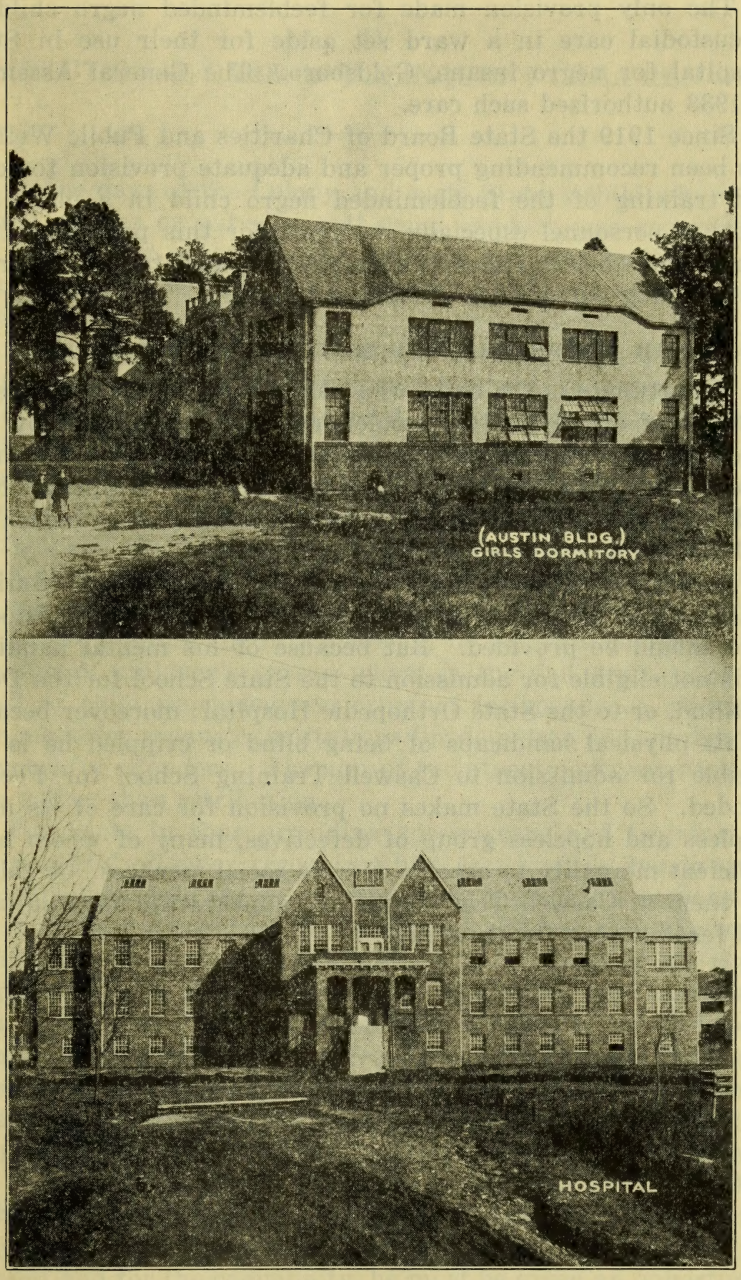


North Carolina Orthopedic Hospital

There is also no especial provision made for children suffering from epilepsy. Children over twelve years of age may be admitted to the Epileptic Colony, State Hospital, Raleigh. The State provides no type care for epileptics under twelve years of age.

The type of mental defect most frequently found in children and most easily recognized is feeble-mindedness. There are three types of the feeble-minded—idiot, imbecile, and moron. It is only the moron who can be trained; under proper care and supervision the higher types of the moron children can be taught to do many useful and arduous tasks well and skilfully and to take much pleasure in feeling they have a share in the daily work of their group. By institutional care the higher grade feebleminded child can be made an asset to his group or community and at the same time be protected from exploitation by unscrupulous persons. It is especially important to safeguard the feebleminded girl who otherwise is led to become a sex delinquent, spreading disease and giving birth to illegitimate offspring who themselves become charges of the State.

Seeing the need of providing for care, protection and training of the feebleminded children of the State, the Legislature of 1911 enacted a bill establishing Caswell Training School for white children. The site for this institution was given the State by the community of Kinston. The first child was received in 1914. There is now a capacity for approximately 650 inmates and every bed is either filled or spoken for all the time. This institution has always had a long waiting list and there are many urgent cases who should be admitted but for whom there is no room. All applications for admission must be approved by the Superintendent of Public Welfare and the clerk of the court of the county where the child resides. Nine hundred and five acres of land give space for dairy, chickens, orchards, gardens, etc., so that much of the institution's food is produced by male inmates under supervision. Likewise the girls are taught cooking, sewing, laundry work, needle work, etc. Training in elementary school work is also given. In addition to training inmates of the institution, a clinic for examination of problem children in the State who give indication of being mentally defective may be held each week, advice as to the treatment needed by the child to be given following the examination. Dr. F. M. Register is the superintendent of Caswell Training School.



CASWELL TRAINING SCHOOL

The only provision made for feebleminded negro children is custodial care in a ward set aside for their use in State Hospital for negro insane, Goldsboro. The General Assembly of 1933 authorized such care.

Since 1919 the State Board of Charities and Public Welfare has been recommending proper and adequate provision for care and training of the feebleminded negro child in a plant and under a personnel especially equipped for this purpose. It is hoped that "better times" financially for the State will permit the carrying out of such recommendations.

BOTH PHYSICALLY AND MENTALLY HANDICAPPED

Unfortunate is the child who has the one handicap of being blind, deaf or crippled or feebleminded or epileptic. How exceedingly unfortunate then is the child who has several handicaps, being blind, deaf, and feebleminded; or crippled, blind, and feebleminded; or deaf, crippled, and feebleminded; or epileptic, blind, crippled, and feebleminded!

Because of these double or triple handicaps and limitations such a child is capable of receiving little training. Custodial care should be provided. But because of his mental handicap he is not eligible for admission to the State School for the Deaf, or Blind, or to the State Orthopedic Hospital; moreover because of his physical handicaps of being blind or crippled he is not eligible for admission to Caswell Training School for Feebleminded. So the State makes no provision for care of its most helpless and hopeless group of defectives, many of whom have sufficient mentality to become definite social menaces. A colony for them at Caswell Training School appears the most suitable and feasible plan for their care.

IV

INSTITUTIONAL CARE OF DELINQUENT CHILDREN—1907

In the days of the Colony and early State a child who manifested serious or extreme anti-social conduct was regarded as an incipient if not an actual criminal and was subject to the same measures to curb these tendencies or traits as were adult offenders.

With the development of schools of psychology in America in the latter half of the nineteenth century, however, and the study of influence of environment on "child psychology", gradually the social consciousness of the State became aware of the warping, deadening effect to youthful offenders of their association with the adult criminal. It further recognized that a correctional or penal system which grouped the child with the adult offender for punishment or reclamation, as the case might be, was wasteful both financially and socially.

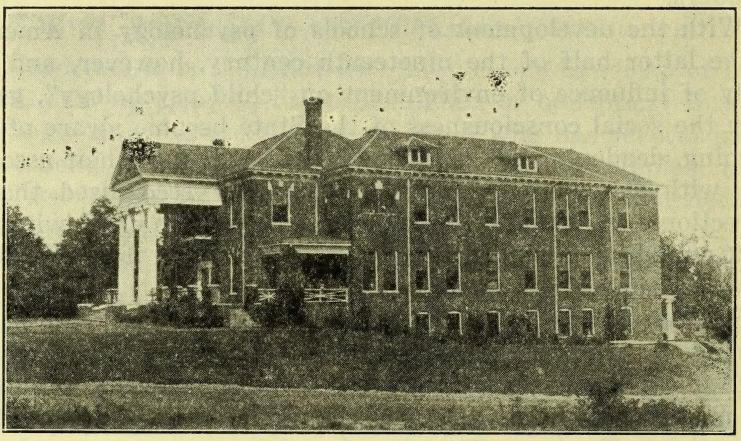
So even before the establishment of separate courts for the hearing of children's cases—which is the full fruition of the graft of child psychology on criminal jurisprudence, provision was made for separate institutions for detention and segregation of youthful offenders. The aim of such treatment was reclamation rather than retribution.

The State in thus providing special care and training for the youthful offender recognizes him as a socially handicapped or delinquent child for whose retraining the State is responsible.

It further recognizes the delinquent child as one who has a personality handicap which hinders him in adjusting his rights or personality to the rights of those with whom he is associated and which makes him a problem child because of his anti-social conduct. This personality defect shows itself most frequently in such anti-social conduct as stealing, persistent lying, running away, sex perversions, etc. Such behavior traits indicate lack of proper training in use of interests, time, and activities in the home or community. When the parents fail to train a child in his infancy to be honest, just, and to face difficulties calmly, they usually fail in his later years too. If he is to be saved for himself and for the community, he must be given an opportunity to learn self-discipline and to adjust happily to others. Institution workers help him over a period of years to build character

and thus find himself. The purpose of institutions for delinquents is to re-train children by breaking down bad habits and building up useful ones and thus to save them from trouble in later life.

There are five institutions for delinquents in North Carolina; two for white boys, one for white girls, one for negro boys, and one for negro girls. The first four are maintained at State expense but the one for negro girls receives only a part of its maintenance from State funds.



STONEWALL JACKSON TRAINING SCHOOL

The oldest of these institutions is Stonewall Jackson Industrial Training School for boys near Concord. Its establishment was authorized by the Legislature of 1907 and it was opened in 1909. Only white boys under sixteen years of age who are committed by juvenile court order for an indefinite period are admitted. Here they live in a small community of their own. There are a number of cottages where boys eat, sleep, and live in small groups under supervision of a cottage mother and a teacher. The capacity of the institution is now approximately five hundred and twelve.

This institution has a six hundred and thirty-one acre farm but in addition to farming the boys are taught printing, dairying, wood-work, baking, shoe-work, poultry work, canning, laundrying. Instruction through the first eight grades in standard school work is also given. In addition through their play and recreation, basket-ball, baseball, etc., boys receive in-

formal and wholesome education in good sportsmanship and learn how to play the game of life squarely. Mr. C. E. Boger is superintendent.

The next institution of this type to be established in the State was the State Industrial School for white girls at Samarcand Manor in Moore County, near Pinehurst. The Legislature of 1917 authorized this school which now has a capacity of about three hundred. Girls under twenty-one years of age, preferably under sixteen years, may be committed to Samarcand by order of court or by voluntary application of the individual. Commitments must not specify length of time as a girl remains a charge of the institution during her minority or until she is discharged by the Board of Trustees. Miss Agnes B. MacNaughton, now on six months' leave of absence, has served the school in the capacity of superintendent since its establishment. Miss Grace Robson is acting superintendent.

Samarcand also is conducted on the cottage system with four "honor" cottages. There is a graduate cottage, too, where girls live and work the last four months prior to discharge, learning to run a home smoothly and efficiently. On the three hundred and eighty-two acres, about three-fifths of which is under cultivation, girls are taught to farm, garden, dairy and to raise poultry and pigs. In the school hours they learn millinery, weaving, sewing, basketry; as well as receive instruction in the first ten grades. Of course, all the cooking, laundrying, cleaning, etc., of the institution is done by the girls. Athletics and music also play an important part in the re-training of these girls.

The first State institution for care of negro children is Morrison Training School for Negro Boys, authorized by the Legislature of 1921 and opened in January, 1925. It is located at Hoffman in Richmond County and has a capacity of two hundred boys. Boys under sixteen years of age are committed by juvenile court, or other courts having jurisdiction over such boys. These commitments are for an indefinite period as a boy remains a charge of the institution during his minority or until he is discharged. L. L. Boyd is the superintendent of the institution.

Boys work on the four hundred acre farm. Eventually there will be facilities for teaching them trades.

Eastern Carolina Training School for white boys was established by the Legislature of 1923 and received its first inmate



Administration Building, Samarcand Manor

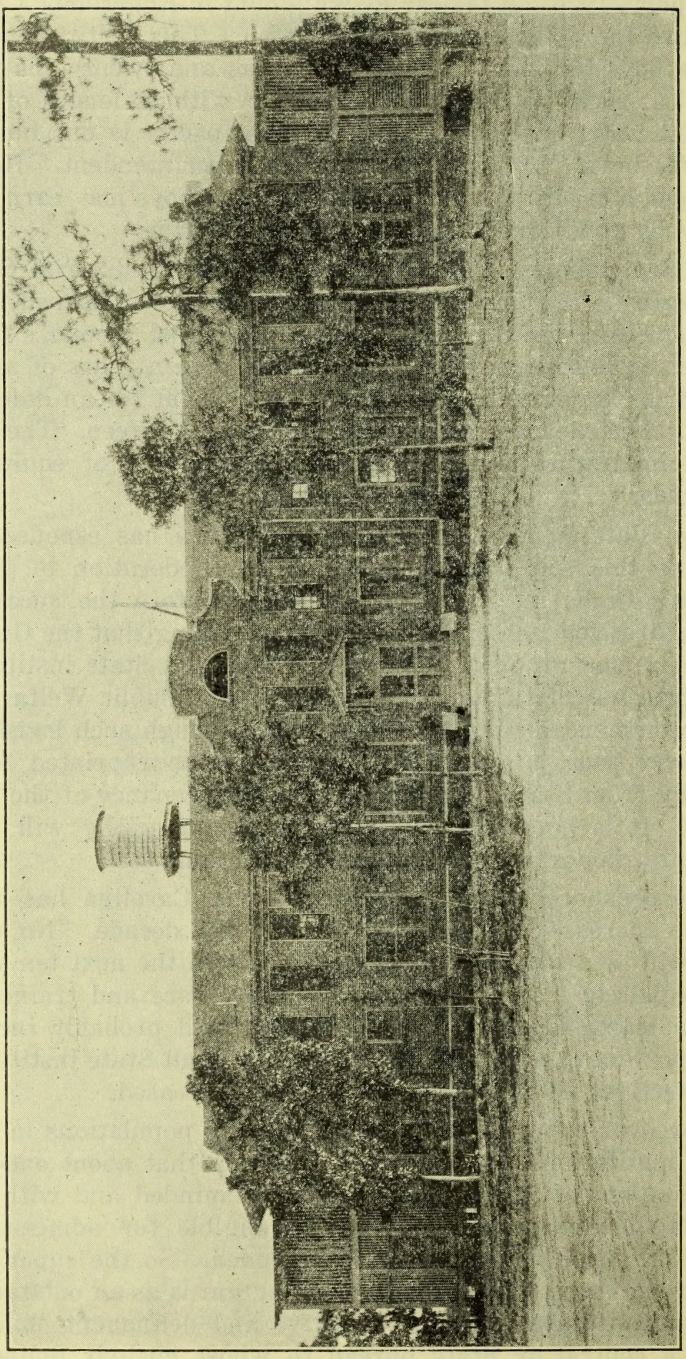
in January, 1926. It is near Rocky Mount in Edgecombe County on a two hundred and forty acre farm. This institution may receive boys between the ages of sixteen and twenty-one years as well as those younger, by court order with no length of commitment being specified. The present capacity is one hundred and fifty boys. Mr. S. E. Leonard is superintendent. He has developed a credit or merit system whereby boys may earn their paroles by good conduct.

In September, 1925, the North Carolina Industrial School for Negro Girls at Efland in Orange County was opened under the auspices of the State Federation of Colored Women's Clubs. It receives delinquent negro girls under sixteen years of age by court order from the county of legal settlement for an indefinite period. The capacity of the institution is only fifteen. The work of the institution is much handicapped by lack of equipment and funds.

The State Federation of Women's Clubs has espoused the cause of this school and has aided the Federation of Negro Women's Clubs in presenting its needs before the successive Legislatures for 1927 and through 1933, asking that the General Assembly pass an enactment making Efland a State institution. The State Association of Superintendents of Public Welfare has also recommended full State support. Although such legislation has never been passed, four Legislatures appropriated $2,000 annually from State funds toward the maintenance of the institution. It is hoped that "better times" financially will bring full State support for an enlarged institution.

The census of 1930 shows that North Carolina has had a 600,000 increase in population in the last decade. No doubt there will be a somewhat similar increase in the next ten years. To adequately meet the needs for proper care and training of its handicapped children whose number will probably increase in proportion to population, the capacity of all State institutions for defectives and delinquents should be increased.

Moreover mental examinations given to populations in three of the institutions for delinquents indicate that about one-third of these populations are definitely feebleminded and with such low intelligence quotients as to be eligible for admission to Caswell Training School for feebleminded. So the superintendent of one institution for delinquents regards as an outstanding need in the State's care of defective and delinquent children: First, a central or State bureau to whose custody delinquent



ADMINISTRATION BUILDING, MORRISON TRAINING SCHOOL

children may be committed for physical and mental examinations prior to commitment and admission to the State institution best fitted to meet his needs, determined on basis of these examinations; second, an adequate and trained staff of parole officers in the same central or State bureau to supervise placements of parolees from the various State institutions for juvenile delinquents. From such plan or system a social and financial savings will result.

V
JUVENILE COURT AND PROBATION—1919

There is another more recent method of dealing with the delinquent than institutional care or training. It aims to help the child of anti-social or problem conduct to find himself and re-adjust to the community in which he lives by supervising him in his home on probation through the Juvenile Court. If he fails to make good he is then committed to an institution for re-education.

This method of care and guidance of the youthful offender is only thirty-five years old. The first Juvenile Court in the United States was established in Chicago in 1899. Then Denver followed next in 1900; Philadelphia in 1901; New York City in 1902, etc. It is interesting that this movement originated in cities where congestion of population not only increased and emphasized child welfare problems but where there were organized social agencies to study methods of prevention and child salvage. As stated in Chapter IV the Juvenile Court was a reaction against the old custom of dealing with a child delinquent as if he were an adult criminal. It substituted the idea of rehabilitation or re-education for the old one of retribution or punishment. Based on the principle of child psychology the idea of rehabilitation is that the child is not responsible for his heredity or his environment and therefore his interests and those of the community are best conserved by giving him another chance through re-education or re-training. There of course were fewer cases of child offenders coming into the county or rural courts than the city courts so the more rural areas and states did not establish this special children's court as early as the cities. In 1869 however, Massachusetts as a state was giving children separate trials, which method was a forerunner of the district or county Juvenile Court. Indiana and Missouri, two rural states, with the county as the unit of local government, were the first to establish a system of county Juvenile Courts. This was in 1913.

In 1919 the Legislature of North Carolina established in each county of the State a separate part of the Superior Court which has "exclusive original jurisdiction of any case of a child less than sixteen years of age residing or being at that time within

their respective districts." This court was to be called the Juvenile Court of said county. The Juvenile Court has jurisdiction over delinquent, neglected and dependent children. When once it has obtained jurisdiction over a child such jurisdiction continues during the minority of the child unless he shall have been committed to an institution supported and controlled by the State. The clerk of the Superior Court of each county is the judge of the Juvenile Court. Where a county seat has a population of twenty-five thousand however, there may be a combination city and county Juvenile Court with a judge appointed by the county board of commissioners and the city council. Likewise cities having a population of 10,000 or more shall maintain a city Juvenile Court.

This development of the Juvenile Court as a branch of the Superior Court was a logical or natural one for North Carolina.

The responsibility for adopting children had been vested in the clerk of the Superior Court since 1872-73. Then jurisdiction was given to these officials by code of 1888 to bind out as apprentices:

(1) All orphans whose estates were of so small value that no person would educate and maintain them for the profit thereof;
(2) All infants whose fathers had deserted and been absent from their families for one year leaving them without sufficient support;
(3) All infants not living with father whose mother has secured to her such property as the infants may thereafter acquire, provided the clerk deemed it improper to permit such infants to remain with the mother;
(4) All infants who make application to the board of commissioners of the county for relief out of the funds for the poor and such fact is certified by the board to the clerk;
(5) All infants whose parents do not habitually employ their time in some honest, industrious occupation.

These classifications closely resemble those of the neglected and dependent child of the Juvenile Court law of 1919.

Juvenile Court sessions may not be held legally in connection with any other business of the Superior Court. Also the hearings must be private. But sessions otherwise may be held at such times and in such places within the county as the judge

may from time to time determine. A full and complete record of all cases brought before it must be kept by the court.

After investigation and trial the neglected or dependent child is protected by placement through Juvenile Court order in a good home. This home may be with a relative, in a foster home, in a State institution, with the North Carolina Children's Home Society for adoption in a foster home, in a good boarding school or the child may be committed to the State Board of Charities and Public Welfare for placement as a State ward.

The delinquent child, however, requires a different treatment as the cause of his delinquecy is in part his own attitude as well as his environment. His attitude is anti-social in that he can not adjust happily in his family life, his school work or in his play. This anti-social attitude may be expressed by running away from home and community, staying out all night, thieving, continued truancy, chronic lying or sex perversion. Such conduct indicates something lacking in the child's life. Such a child may have had too much attention of the wrong kind or not enough of the right kind. He is in need of intelligent, sympathetic study by a person trained in child psychology. To this worker or probation officer this child is a patient just as a physically sick child is a patient to a physician. His symptoms or traits of anti-social conduct should be studied just as carefully as symptoms of a physical illness.

When the case of a delinquent boy or girl is referred to Juvenile Court even before there is a hearing it is essential that an investigation be made of the child's health, his home and his relationship to his parents, brothers and sisters, his school, work, and church relationships, his neighborhood and play relationships. With this study presented by the probation officer, the judge can then determine whether the child has a chance to change his conduct and make good on probation in his home and community under the guidance of the probation officer with the cooperation of his parents, teacher and pastor or whether he should be committed to a State institution which specializes in the re-education of the delinquent.

If there is any possibility of a child's making good at home, he should always be placed on probation instead of institutionalized. Also the period of probation should be indefinite, allowing the child the opportunity of acquiring as best he can, new habits of thought and conduct.

As the sense or feeling of self-responsibility for our own right conduct to others is essential to all of us for our own self-respect and likewise as self-respect is essential as a basis for fair and just relationships to others, the child must be taught these principles. By holding him to the standard of good behavior to all his associates in his social group and having him report the approval of the group as expressed by his parents and teacher or employer, the boy or girl learns the satisfaction of approbation and making good. Later he learns to judge his conduct himself and to express his judgment in making statements regarding the ups and downs of his relationships to his probation officer who is his guide and friend.

This probation method seems and should be simple. Any device governing the conduct of a normal human being should be fundamentally his own mental attitude of honesty, justice and fairness to himself and to others. The child who is a delinquent has never been taught these essentials or principles by his parents. Moreover it is as frequently the parents who need re-education as it is the child. Unless parents cooperate with the probation officer in helping the child to find himself in right relationships to others, the probation method cannot succeed.

Of course there are failures. Some are due to the poor work of the probation officer who usually has his hands more than full, some to the parents, and some because of the fact that the bad habits are too deeply imbedded for the child to overcome them in any but a new environment under stricter discipline and supervision. But records of Juvenile Courts kept over the period of thirty years show that 50% to 80% of the children who have been charges on probation have made good, not only have made good when children on probation but as citizens in later life.

There are many interesting cases illustrative of the success of probation which has meant "about face" to the boy or girl.

In any discussion of the Juvenile Court it is well to stress the fact that its backbone, so to speak, is probation. Secondly, there can be no real reconstructive work with the child unless there is a probation officer to guide this re-education. Again this probation officer should be trained for his job, which is an exceedingly skilled and delicate one, as it deals fundamentally with right relationships of human beings to each other.

The North Carolina law provides that the County Superintendent of Public Welfare is the Chief Probation Officer of all Juvenile Courts in the county. Assistant probation officers

(sometimes called Boys' Commissioners or Girls' Commissioners), may be appointed in either city or joint city and county courts. Eleven of the one hundred counties have assistant probation officers. They are: Buncombe, Durham, Forsyth, Gaston, Guilford, Mecklenburg, Nash, New Hanover, Pasquotank, Person and Wake. Seven counties, namely: Catawba, Forsyth, Gaston, Guilford, Nash, New Hanover and Wake have two or more Juvenile Courts each because cities having population of 10,000 or more are located therein. The law requires county seats with a population of twenty-five thousand or more to provide separate courts or to maintain joint courts with the county.

The following six counties each maintain a joint city and county court: Buncombe, Craven, Durham, Mecklenburg, Rowan, Wayne. There are a total of one hundred and eight Juvenile Courts in the State; three are in Guilford, the most populous county. They are the Guilford County Juvenile Court, serving the rural area; Greensboro Juvenile Court, serving the City of Greensboro; and the High Point Juvenile Court, serving the City of High Point.

Approximately thirty-five thousand to forty thousand children in North Carolina each year become charges of their local Juvenile Courts. About two-thirds of this number are classified as "delinquent" while one-third comes in the "dependent and neglected" group. Hence the Juvenile Court is the most fundamental and important child welfare agency in the State.

It can truly be said of the Juvenile Court and probation that they save human values by bringing development and happiness to the child and his associates in helping him to adjust his conduct to the good of all concerned. Also they save, through their preventive measures, good self-supporting citizens who contribute to the progress of the State instead of being a drain as the misfits of society.

VI
CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES—1868

THROUGH POOR RELIEF

From the beginning of the Colony and to 1777 funds for assisting indigent persons and families were administered by the "Church Wardens or Wardens of the Parish" as was then the custom and law of England. Only meagre records of grants of public aid in this period are available and most of these indicate help to individuals who were ill or infirm. There are a few entries in the vestry book of the Parish of Saint Paul's which list "orders" for support of an orphan child "left destitute" but orders in the record books of Precinct Courts show not only full orphans apprenticed to master and mistress but half-orphans separated from their mothers and apprenticed.

In 1777 a new law for administration of poor funds was enacted and it provided that "freemen of every county elect seven freeholders as overseers of the poor." These overseers, who had the same power and duties formerly delegated to the vestry in turn were to elect two of their number as "Wardens of the Poor." They were empowered to levy a tax for support of the indigent poor who had legal settlement within the county. Some of the records of these "wardens of the poor" show allowances made to mothers for support of their children. In January Court, 1803, in Duplin County, Ann Freeman was granted an allowance of seven pounds for the purpose of maintaining her children until April.

A record in Pasquotank County in October, 1808, shows Hepsebeth Cook given an allowance for support of her son; said allowance varying in amount was continued to April, 1822.

The following entry is found in Pasquotank County records: "Elizazbeth City, April 25, 1821. Agreeable to an order passed last meeting of the wardens of the poor they proceeded to set up the paupers to the lowest bidder and they were struck off to the following persons: Among the twenty-seven persons so disposed of, twelve were children whose "maintenance . . . . was let to their own mothers." The rates bid ranged from ninety-five cents to $3.50 per month per person. One may

guess that the mothers of these twelve children bid low in the hope that by so doing their children would be "let" to them instead of a stranger or neighbor.

Some counties had the policy at first of requiring all recipients of poor relief to live in the County Home or Poorhouse. But as such policy resulted in "many cases of extreme hardship" a few counties secured legislation authorizing the wardens of the poor to give outdoor relief to persons who wished to remain with their "unraised" children.

Today widows and deserted wives and wives of prisoners having young children may receive outdoor relief from county poor funds for the maintenance of these children. But since the enactment of the State Mothers' Aid law, such women are aided from the County Poor Funds instead of the Mothers' Aid Fund either because they fail to meet the requirements for eligibility (in such instances perhaps their children should be removed from their custody by the Juvenile Court) or because the Mothers' Aid Fund is not adequate to provide grants for all the worthy applicants. Because of conditions incident to the phenomenal depression of 1930—Federal Emergency Relief funds are supplementing county poor funds in providing financial assistance when necessary to the dependent child in his own home.

THROUGH COURT ACTION FORCING FATHER TO PROVIDE FOR MINOR CHILDREN

The first private family welfare agency or "associated charities" was established in North Carolina well toward the last of the nineteenth century and in 1917 by legislative enactment a county Welfare Department was provided in each county of the State to deal with social problems involving family and child welfare. With the increasing complexity of modern civilization, problems of family life have rapidly increased and the records of all agencies, public and private, show corresponding increases in calls for help, both in finances and casework service, from families "on the rocks" because of friction between husband and wife or parents and children. The causes of these domestic ills are usually listed as "unrest following the World War," rapid and easy methods of transportation incident to the auto and hardsurface highways, the movies, congestion in urban centers, etc.

In dealing with present problems of abandonment or desertion and non-support, modern society however loses sight of

the fact that human nature is more complex than the mechanical gadgets and contrivances of any period and therefore perhaps after all, in view of the increase of population and of facilities for disseminating information, there is not such a great difference in percentage of broken and deserted families in the period after the World War than in the periods after the Mexican War and the War Between the States.

There are no statistics now available to substantiate this theory but certainly the General Assembly of 1868-69 found the extent of abandonment and non-support of minor children by fathers and resultant distress so great that it was necessary to enact legislation to protect both the children and the community. This legislation is C. S. 4447-4450. Amendments to the original law have been written by the Legislatures of 1873-74, 1879, 1925, 1931, and 1933.

These statutes make wilful abandonment of a "wife without providing adequate support for such wife and the children which he may have begotten upon her" a misdemeanor which "shall constitute a continuing offense . . . . until the youngest child shall arrive at the age of eighteen years." Wilful neglect to provide adequate support for wife and children while living with wife is also a misdemeanor. Moreover, "if the fact of abandonment of and failure to provide adequate support for the wife and children . . . . or while being with such wife neglect by the husband to provide for the adequate support of such wife or children shall be proved, then the fact that such husband neglects applying himself to some honest calling for the support of himself and family and is found sauntering about, endeavoring to maintain himself by gaming or other undue means or is a common frequenter of drinking houses or is a known common drunkard, shall be presumptive evidence that such abandonment and neglect is wilful." The Legislature of 1933 made it possible for a wife to testify against her husband in a charge of abandonment and non-support. Upon conviction "the court may make such order as . . . . will best provide for the support of such wife or children."

The primary aim of the law is to prevent dependent children from becoming chargeable to the community by forcing the father to provide financial means to maintain the home he has established for wife and children regardless of his own mental or temperamental reaction toward a domestic situation. It also serves "to maintain the integrity of the family."

During the trying period of the collapse of finances and morale of such a family and prior to court action, the wife and children are frequently dependent upon either private or public charity for support. The modern social agency assisting the family endeavors not only to rehabilitate the home economically but in personalities or spiritual values if possible so that his own parents may be saved to and for the child.

THROUGH MOTHERS' AID

From the social consciousness that the State has a right to step in and salvage a defaulting parent and home to a child through court action, has developed the corollary that the State has a responsibility and duty to step in and salvage a home to a child through direct financial aid when such aid to the child and parent becomes necessary through no fault of the parent. Hence Mothers' Aid.

The aim of Mothers' Aid is to provide financial assistance necessary for maintaining a dependent child, usually a half orphan, in his own home with his own mother, brothers and sisters, thus conserving home life which otherwise would be destroyed because of inadequate funds. This idea of aid from public funds to mothers with dependent children was first clearly expressed in the White House Conference on Care of Dependent Children, held in 1909. This conference worded its conclusions as follows:

"Home life is the highest and finest product of civilization. It is the great molding force of mind and of character. Children should not be deprived of it except for urgent and compelling reasons. Children of parents of worthy character, suffering from temporary misfortune, and children of reasonably efficient and deserving mothers who are without the support of the normal bread winner, should as a rule be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of the children." Since this Conference of 1909 forty-six of the forty-eight States have adopted Mothers' Aid through legislative enactment as an important and constructive part of their child welfare programs.

The recognition of Mothers' Aid as a public responsibility or State function and the ideal motivating it are set forth aptly in the following excerpts from reports of two states which have long administered this help. Quoting:

"The normal development of childhood is one of the main functions of government. The best education requires a proper

home training and it thereby becomes the duty of the State to conserve the home as its most valuable asset whenever factors other than the improper guardianship of the parents threaten its destruction."

Again quoting: "The (Mothers' Assistance) law has two reasons for its existence—a humanitarian and an economic one. There are in our communities a large number of women with dependent children who cannot maintain their homes without assistance. We have come to believe that as a principle of justice no home should be broken up for poverty alone. . . . Experience has shown that private resources are not adequate, especially in cases of long-continued dependency. The State therefore comes to feel responsible for the support of this group. . . . Home-made children cared for by their own mothers have the best chance of becoming healthy, normal citizens."

It is most interesting to note that Mothers' Aid as a method of child care was first introduced in North Carolina by the Baptist Orphanage, now Mills Home, at Thomasville in 1920. This institution continues this work, keeping the child with his mother in his own home whenever possible. Since 1927 The Children's Home in Winston-Salem has also been keeping some children with their mothers from a Mothers' Aid Fund instead of admitting them to the institutional group. These institutions have found that this plan of conserving family life by caring for dependent children in their own homes not only conserves human or family values but costs less in dollars and cents than the institutional care of the dependent child away from his family.

The Mothers' Aid work of the Baptist Orphanage under the leadership of Dr. M. L. Kesler demonstrated the value of this form of child care. Since 1917 the State Board of Charities and Public Welfare has been recommending this type help for the dependent child. So social workers and progressive citizens of the State, feeling that Mothers' Aid should be made available to every needy child or worthy mother in North Carolina, asked that public funds be set aside for this purpose. The Legislature of 1923 therefore passed the North Carolina Mothers' Aid or Mothers' Pension law and appropriated an annual $50,000 State Mothers' Aid Fund. This $50,000 was to be duplicated by the counties making a total of $100,000 from public funds available for helping dependent children in their own homes, for each year of the period 1923-25.

The law states definitely not only how the county and State must administer the fund but what must be the qualifications of the mothers eligible for this help for their children. To receive Mothers' Aid "a woman must be the mother of child or children under fourteen years of age, a resident of the State of North Carolina for three years and a resident of the county for one year preceding and possessed of sufficient mental, moral and physical fitness to be capable of maintaining a home for herself and child or children and prevented only from lack of means. Such person must be either a widow, or divorced, or deserted if it be found impossible to require the husband to support her, or the husband is found to be mentally or physically incapacitated to support his family or if the husband be confined in any jail and assigned to work the roads of any county or in any penal or eleemosynary institution, provided no relative is able and willing to undertake sufficient aid."

A mother who is eligible must make application for this aid through the county superintendent of public welfare. This official recommends to the county board of welfare and county board of commissioners the amount of grant or appropriation which is needed to hold the home intact. The law further names the maximum amount allowed in families having one, two, three, four, etc., children under fourteen years of age. The average grant per family per month is very small, however, so it is necessary for the mother to supplement this amount by her own earnings. Older children in the family, if any, must do their part too. Whenever practical a Mothers' Aid family has a garden—most of the families living in rural sections have chickens, cow and pigs as well, thus raising as great a portion of their food as possible.

From July 1, 1923 to January 16, 1934, a total of 1,235 mothers, the majority of whom were widows, had been enabled through Mothers' Aid to keep their children with them. Since there is an average of four children to a family approximately 4,900 children have thus had the opportunity of development in their own family group. On this same date, January 16, 1934, there were a total of 310 mothers actually receiving aid or on the active list.

Of the 925 mothers already discontinued from the list prior to that date the largest number were dropped as self-supporting after receiving the aid for several years. This means that Mothers' Aid tided the family over a difficult period while the









MOTHERS' AID FAMILIES

children were too young to help earn, but as the children grew older they gradually assumed their share of family responsibility. The amount of grant could thus be reduced from time to time as the family steadily became more independent and finally dropped altogether as a self-supporting family unit. The reason for discontinuing the next largest group of mothers was because of their re-marrying. And most of them apparently have been happy in this second matrimonial adventure. Other mothers were dropped from the list as their husbands returned from prison, hospital, or from absence and wandering as deserters. Still others were discontinued because of death, need of hospital treatment or because of inadequate funds. The following table shows causes and percentages of discontinuance of these 925 mothers:

Self-supporting	317			
Remarried	138			
Husband returned	139			
Transferred to other agency) (U. S. Veterans Bureau, Mills Home)	14	608	Rehabilitated	.65 27/37%
Death	21			.02 10/37%
County failing to cooperate	79			
Insufficient State Fund	48	127	Financial reason	.13 27/37%
Incompetence	138			
Immorality	31	169	Personal reason	.18 10/37%
TOTAL	925			100%

As stated above, the county and State together administer the joint State and county Mothers' Aid Fund, sharing the financial responsibility 50-50. Likewise the State and county share the responsibility of helping the mother plan wisely, not only the expenditures for the family but of advising her in facing and solving various problems involving the welfare of the chil-

dren which naturally arise in any family. These problems are those of health, education, work and behavior.

The amount of the State Mothers' Aid Fund which a county may receive depends on its population. However a county must first signify its desire to participate in the State Fund by signing the Mothers' Aid contract with the State. The following table shows the total annual expenditures of the State Mothers' Aid Fund for the first ten years of its existence. This amount doubled gives the total expenditure both State and county for the year.

Year	*Number Counties*	*State Appropriation Available*	*Amount Spent (State)*
1923-24	61	$50,000.00	$ 5,627.00
1924-25	69	50,000.00	29,502.75
1925-26	71	30,000.00	24,414.45
1926-27	75	35,585.55	31,214.56
1927-28	75	50,000.00	40,697.64
1928-29	79	59,302.36	48,122.50
1929-30	79	47,500.00	38,323.43
1930-31	82	56,676.57	41,299.18
1931-32	84	50,000.00	41,764.39
1932-33	79	50,000 00	40,299.58

An interesting story could be told about every one of these families but there is space for only a brief sketch of one.

This is the X family. They live in a mountain county in a rather isolated neighborhood. The father died leaving a small farm which had been mortgaged to meet the expenses of his rather long illness. In the home were two children over fourteen who could help and three children for whom Mrs. X needed assistance to keep them properly fed, clothed and in school. The house was greatly in need of repairs to roof and windows so it might be made comfortable for the winter. Mrs. X needed dental work and one of the boys medical attention. But the family under the leadership of the mother who is intelligent, industrious and an excellent manager, worked valiantly to help themselves in every way they could. The mother and the fifteen- and twelve-year old boys cut, hauled and sold cross-ties from timber on their farm and in three years time had paid off the

$400 mortgage. Meantime they had cultivated the farm, raising most of their food. The house had been repaired and made not only more comfortable and liveable but more attractive. The family's health was improved. The children were enabled to attend school the full term, most of the very small Mothers' Aid grant being spent on their books and clothing. Married daughters helped clothe the mother. So after receiving Mothers' Aid for three years the X family with its help had become entirely self-supporting and were discontinued from the list.

In the report of the Orphans' Section of the Duke Endowment for 1926, Dr. W. S. Rankin, its Director, states: "Mothers' Aid is perhaps always the treatment of election. It is a direct attempt to maintain the integrity of the family and the home—to keep the children and the mother together—with the double interest in mind, the influence of the children on the mother and each other and the influence of the mother on the children."

A statistical study of cost of care of dependent children made several years ago by the Duke Endowment shows it is from one-fourth to one-sixth cheaper to maintain a child with his mother in his own home than to maintain him in an institution. So Mothers' Aid is an economical as well as a natural or logical way to provide for the dependent child of a worthy mother.

VII
PROTECTION OF THE ILLEGITIMATE CHILD—1741

The problem of the illegitimate child is as old as organized society and the institution of marriage and the family. Helpless, blameless, unwanted, he personifies the flaunting and violation of social or sex mores and threatens the interests of all children—his own above all others. That the illegitimate child exists is evidence that man has endeavored more diligently to solve the problems of sex, marriage and children by social codes than by individual codes of moral conduct.

Early legislation to protect the illegitimate or bastard child had primarily the economic interest of the social group as its foundation. In 1576 England attempted to relieve society of the support of bastards by an act which "directed the justices of the peace to charge the mother and the reputed father with the support of the child by the payment weekly of such sums of money or other sustenance as the justice should think necessary." The reason given for such legislation was that such children "are now left to be kept at the charge of the parish where they were born to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish and to the evil example and encouragement of lewd life."

The English bastardy laws were taken over with the common law of England when the Colony of North Carolina was first created. But certainly as early as 1741 statutes on bastardy were enacted by the Colonial Assembly which in general type resembled those in effect until 1933. Several features of the law of 1741 mark it an advance over the English Act of 1576. It provided: (1) that when issue of paternity was established the father should make an allowance of $50.00 to the mother (amendment in 1921 provides for a maximum sum of $200.00), (2) that action charging a man with paternity may be taken within three years following birth of child, (3) that if a putative father attempts to escape action a criminal warrant may be issued for him, (4) provides for legitimation of child.

Usually in a new state which is sparsely populated or an old state decimated by war, the bastard child is more nearly welcomed and his mother more kindly treated than in any other social situation. But Colonial North Carolina regarded a woman

who had been delivered of a bastard child as "guilty of the Breach of the Penall Laws" and it was necessary that she answer for her conduct to the court. In the Perquimans Court of March, 1703, Jeane Richards, an indentured servant, was found guilty on her oath of "having a bastard child" whose "only father" was "Larence Arnold." So it was "ordered that the said Jeane Richards receive twenty-one stripes according as the Act of Assembly in that case hath provided." There is no record, however, that the said Larence Arnold was found guilty of "the breach of the penal laws" or that he was made to assume any responsibility for the support of Jeane's child under the old English bastardy law which then obtained in the Colony. Another indentured servant, Elizabeth Fitz Garrett, was convicted on a similar charge in 1706 and the court sentenced her to serve her master two additional years. The court further ordered that Elizabeth's child should serve the same master until he was twenty-one years of age.

The law of 1741 did not always relieve the community of the burden of the child's support as a Duplin County record of April 22, 1800 shows that "William Hubbard's child, an illegitimate, was this day presented to the board of wardens (of the poor) as an object of charity and received as such was set up to the lowest bidder, was bid off by William Albert for three months for four pounds" (about $20.00).

In the earlier days an unmarried mother usually kept her illegitimate child, supporting him as best she could. The child shared the mother's shame. If the mother re-established herself in the social group later by marriage, the child might become a member of the new family, but seldom received the same treatment accorded his legitimate half-brother and sister.

There is a decision of the Supreme Court of 1838 which upholds the right of illegitimate child or children to inherit from the mother only apparently where she dies intestate and "without legitimate children."

The settlement laws enacted in 1854 and still the law of the land define the settlement of the illegitimate child as that of the mother. Hence regardless of the place of his birth an illegitimate child who becomes a public charge is a ward of the Juvenile Court of the county of the mother's settlement or residence. As prior to the enactment of the Juvenile Court law in 1919 many illegitimate children were "bound out" or apprenticed, the first

adoption law of the State enacted in 1872 increased the protection given the child in a foster home.

The first statute primarily affecting the interests of this group of children whose motive or background is not economic is C. S. 4445, enacted in 1917. It aims to assure the child proper maternal care during early infancy. It makes unlawful the separation of a child under six months of age from the mother for the purpose of placing it in a foster home or institution or of removing it from the State unless the consent in writing for such separation shall be obtained from the clerk of the Superior Court and county health officer of the county in which the child was born. The mother and any other person violating this statute when convicted may be fined $500 and imprisoned for one year.

Another statute enacted in the same year which aims to protect both the child and his mother from exploitaton by unscrupulous persons is 4 and 5 of C. S. 5006. This Act empowers the State Board of Charities and Public Welfare (1) "to inspect and make report on . . . . maternity homes and persons or organizations receiving and placing children and to require such institutions to submit such annual reports and information as the State Board may determine" and (2) "to grant license for one year to such persons or agencies to carry on such work as it believes is needed and is for the public good and is conducted by reputable persons or organizations and to revoke such license when in its opinion the public welfare or the good of the children therein is not being properly conserved."

A companion statute enacted in 1919 states: "It shall be unlawful for any person, institution, or organization for the purpose of caring for or placing children to carry on such work or business without having in full force a written license therefor from the State Board of Charities and Public Welfare."

In order to meet social needs and situations of the twentieth century, the old bastardy law of 1741 was re-written by the Legislature of 1933. The main features of the new law are (1) to make wilful neglect or non-support of an illegitimate child by "any parent" a misdemeanor (just as in case of legitimate child, C. S. 4447-4450) and defining child "within the meaning of this act" as "any person less than ten years and any person whom either parent might be required under the laws of North Carolina to support and maintain if such child were the legitimate child of such parent"; (2) making provisions of law applicable

to a child born without the State as well as within if he is a "bona fide resident" of the State at time of institution of proceedings; (3) to permit the mother, "her personal representative" or "if the child is likely to become a public charge, the Superintendent of Public Welfare" . . . . of the county "where the mother resides or the child is found" to bring action; (4) to remove jurisdiction of case from court of justice of peace and to place in court of record; (5) to give court discretion in making orders for child's support upon the defendant and to modify orders from time to time as circumstances warrant and defines what such order or orders may include, namely; commitment to prison for six months, suspension of sentence and continuance of case, release from custody on probation upon compliance with terms of probation and payment of sum fixed for support and maintenance of child, apprentice defendant to superintendent of County Home to be employed at a fixed salary to be paid to such person named by the court for the support, maintenance and education of the child, or require defendant to sign recognizance with good and sufficient security for compliance with any order" of the court in the case.

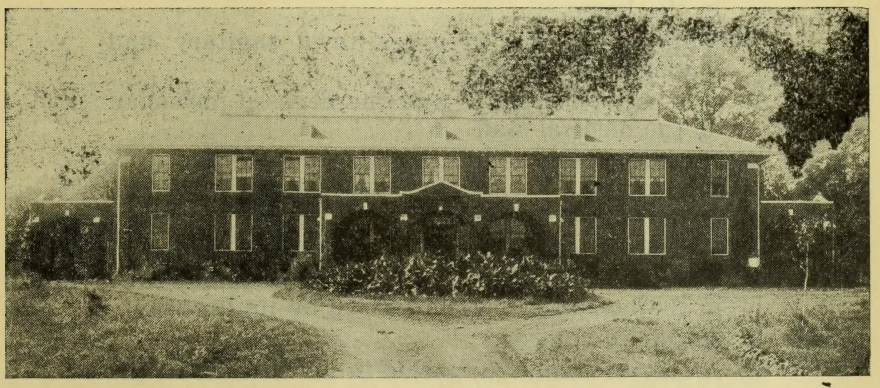
In general, the act relieves the community from burden of support of child if parent is able to assume his maintenance and provides support for child so that he may remain with his own mother if she is capable of rearing him properly. It may be reckoned a progressive piece of legislation.

So far only the protection given the illegitimate child by public agencies and laws has been discussed. But private agencies also are interested in the illegitimate child.

They are of two types, namely: (1) maternity homes for unmarried mothers, giving medical care, protection and guidance to the mother and child before, during and following confinement; and (2) child placing agencies which find good foster homes for these babies where they may have a chance to develop into manhood and womanhood in a normal family life. (See VIII.)

Perhaps here it is well to consider why society has developed these means, both public and private, of safe-guarding the interests of the illegitimate child who is unwanted, who has been called the "child of sin" and who when considering our social institutions as firmly established on the family as the social unit, should never have been born at all. Society does not condone the fact that a child has been born out of wedlock. No one

suffers more from illegitimacy than does the illegitimate child himself, for he is robbed by his very parents themselves who should cherish and guide him always through their parental love of the opportunities of developing in this natural love and interest and in a family of natural brothers and sisters. He is even before birth branded with the disgrace of illegitimacy and though later he may find happiness in a good foster home, he frequently longs for his own blood and kin and wonders and broods about himself and them. Society in its sense of fair play realizes the child is not responsible for his origin and for his unfortunate, unhappy plight; indeed, that he alone of everyone concerned is innocent. So society feels that justice demands



SALVATION ARMY MATERNITY HOME, DURHAM

that the illegitimate child, since he is here, be given a fair chance to the "inalienable rights of life, liberty, and pursuit of happiness."

The first type of care which the illegitimate child needs of course is physical. In North Carolina this is offered in four maternity homes for unmarried mothers. These are all private agencies or institutions subject to license by the State Board of Charities and Public Welfare. They are:

Faith Cottage	Asheville, N. C.
Florence Crittenton Home	Charlotte, N. C.
Greensboro Rest Cottage	Greensboro, N. C.
Salvation Army Maternity Home	Durham, N. C.

The first three of these institutions were established 25 or 30 years ago as "rescue homes" for prostitutes, drunken women

and "fallen girls" picked up in saloons. With the enactment of the Eighteenth Amendment, the consequent abolishment of the saloon and more rigid enforcement of laws relative to prostitutes, there was no longer need for rescue homes, giving temporary succor to the delinquent woman. Among the inmates of the old rescue homes were unmarried mothers, so gradually these institutions developed their programs to meet the need of the unmarried mother and her child.

Each maternity home must meet definite standards which are for the protection of the child, the mother, and the home. Briefly they are:

1. An advisory committee of five local citizens to keep in touch with financial and social conditions in the home.
2. Maintaining the premises in a sanitary and hygienic condition.
3. One registered nurse and one licensed physician on the medical staff.
4. A thorough physical examination including tests for venereal disease for every inmate within 24 hours after admission.
5. An adequately equipped delivery room.
6. No greater number of inmates kept at one time in the home than is authorized by its license.
7. Adequate records.
8. A stay of minimum period of six months in the home for every inmate.
9. Separation of child and mother under six months except under such conditions as the law provides is forbidden.
10. The Home shall not engage in the business of child-placing.

The interests of the baby are, and should be, paramount as he a helpless and innocent infant, needs the most protection. Proper care and plan for the child is the most preventive measure in the program. But the unmarried mother is likewise aided to find herself in re-training to a new set of values in life so that she will not repeat her delinquencies.

There is yet a measure needed to protect the interests of the illegitimate child. Such measure can be obtained by legal enactment only. This measure is the obligatory entering of the mother's name and the father's name where paternity has been proven, on the birth certificate of the illegitimate child as well

as on that of the legitimate child. Every child has a mother and a father and he likewise has a right to know who they are. According to the present regulation in filling out birth certificates the name of both or either parent may be omitted. But the father, who is more frequently more guilty than the mother, usually receives more protection therefrom than does the mother.

In any legislation for the illegitimate child the ultimate interests and protection of the child rather than of his unmarried parents should be made paramount.

VIII
FOSTER HOME CARE OF CHILDREN

PLACEMENT AND ADOPTION—1903

Finding a home for a neglected and dependent or pauper child among people who were not his kin was really the oldest method of child care, not only in North Carolina but in America. In colonial days, however, it was called binding out or apprenticing, and in purpose as well as method was very different from modern child placing. As shown in I, the pauper child was placed out to work and learn a trade by the local justice of the peace who made no investigation of the child's personality and real needs nor of the fitness of the home in which he would spend all the tender years of his childhood. The purpose of his apprenticeship was to relieve the community of his support. As in those days a child was considered an economic asset in a home even in his early years, he presumably earned the major part of his support between the ages of 5 (the youngest one could be apprenticed) and 21 years. Most of these apprenticed children became drudges in the home, or shop, or on the farm, being regarded as servants and knowing little of the joys of childhood. Their lot was not much improved when the county courts after the Revolutionary War were made responsible for apprenticing them. Then after the Civil War this power was transferred to the clerk of the Superior Court. The most forward step in protecting the interests of the child in the foster home was the passage of the adoption law of 1872-73. This law established the right of a dependent or foster child in North Carolina to a place as a real member of the family of his foster parents. Heretofore his status as an apprentice had been only that of a servant. Finally binding out or apprenticing children was made obsolete by the Juvenile Court law of 1919 which placed legal responsibility for providing for the indigent or neglected child on the judges of the Juvenile Courts and their assistants, the probation officers of the courts.

Meantime private agencies and individuals had become interested not only in providing foster homes for needy children but in supplying children to foster homes or parents desiring them. Many of these prospective foster parents were childless and wished to receive a child into their home as a member of

the family, giving him the love, devotion and unselfish interest that they would have lavished on a child of their own. On the other hand there were prospective foster parents who wished children primarily for the work they could do or "for what they could get out of them," as the saying was. So, in order to protect every child in his placement in a home the Legislature of 1917 enacted a law whereby every private person or organization receiving and placing children must be inspected and licensed by the State Board of Charities and Public Welfare. (See VII.) This law supplements the Juvenile Court law.

These laws safe-guarding the interests of children in foster homes indicate how North Carolina has developed in its thinking regarding the rights of the neglected and dependent child and its responsibility in seeing that these rights are protected. They indicate the belief that every child has a right to an opportunity to develop in an environment which seems best suited to his individual need and which therefore will be most conducive to enabling him to become not only a self-supporting citizen, normal both mentally and physically, but to become an asset to the State through developing his ability and leadership as a forward looking, progressive citizen.

Children needing foster homes come from broken homes, from unfit parents, or are illegitimate children for whom no real home life can be provided among their own kin. They are relinquished through due legal procedure by their parents or parent, or guardian to the children's agency which in turn places them in homes with foster parents who do want them and who eventually may seek to adopt them legally as their own. The work with children is based on the child welfare axiom "The carefully selected foster home is for the normal child the best substitute for the natural home."

So any official or agency trying to help such a child should be very sure that the home in which he is placed is not only a good home but one where he will find the love, freedom, security and stability which he perhaps has never known but which factors are so essential to a happy childhood and development. To be sure the child will have such a home and such an opportunity as it offers, most thorough and painstaking investigations both of the prospective home and of the child's temperament, ability and background must be made before any step for placement is taken. As one social worker has said, "Child placing is the most delicate as it is the most important phase of work for

dependent children. It calls for painstaking care, accurate investigation and delicate adjustments." Another has said an agency "should find a home for the child, not a child for the home." In other words the test for effective child-placing is not how *many* but how *well* children have been placed. Not how many children have been placed in *available* homes but how many children have been placed in the *particular* home which seemed just right for them as individual personalities.

One cannot repeat too frequently that a home should be selected for the individual child, not a child for a home. To make such a selection wisely, the child should be studied physically, mentally and temperamentally. Moreover his heredity and his past environment should be considered for any influence that they as factors in development of his personality may have in his adjusting in a new home. Even in cases of very young infants, the factors of heredity should not be ignored in trying to determine what type of child he is, or may be, and what type of home therefore is needed to provide a proper environment for his development. That a child whose forebears are sensitive, high strung or nervous people, should never be placed with foster parents who are stolid, phlegmatic and plodding seems obvious. Neither child nor foster parent would be happy as they could have little in common, temperamentally. Eventually the child's life would be wrecked should he continue in such home.

So prospective foster parents likewise should be carefully studied as to their personalities and social background as well as to their health, financial situation and attitudes or outlook on life. As the child must adjust to the foster parents far more than they adjust to him and be trained by them, this study or investigation is of equal importance with the careful study of the child. It is an investigation which can not be carried on by correspondence through or with references but which must be made personally by an official or representative of the agency. This official or worker should be especially trained to her task, and should in addition possess sympathy, tact, foresightedness and a deep appreciation of all human traits and values.

When, after thorough and careful investigation, a home has been selected for a child, and he has been placed therein, progress of the placement should frequently be closely and regularly supervised by the agency responsible for the child. These visits of supervision are meant to be helpful both to the foster parent and child, and by means of them any minor trouble can be satis-

factorily cleared up or adjusted. Careful supervision following placement is especially necessary for successful adjustment of the relationships between the foster parent and child in cases of older children. With very young infants, supervision while of course essential is not so urgent as with children who have already formed habits and attitudes.

If it is found through their supervision that the foster parents and child can not adjust satisfactorily, the child of course must be removed from the foster home and returned to the central home office of the agency, pending a new or second placement. But when a first placement is carefully made with the child's interests always in mind there is seldom occasion for his return to the agency for a second placement.

It is seen, moreover, that it is advisable for the agency not to be hasty in legally adopting a child in a home. Hence the plan of supervision and study of the placement for a year in the home before any steps are taken by the agency for legally adopting the child to the foster parents.

To summarize child-placing is a distinct and special phase of child-care. It is a job of service peculiar to itself. It can achieve success in its service to children only through thorough investigation of both child and prospective parents, prior to placement and intelligent, sympathetic supervision of the child in the foster home following the placement.

Perhaps it should be added that children who are eligible for placement in foster homes are children normal physically and mentally whose interests are best conserved by absolute severing of all relationship with their own blood kin. They begin life over in the new environment of a real home and happy, human relationships where they have an opportunity otherwise denied them of a normal development to adulthood. Whoever renders such service to a child renders likewise a service to society.

The Children's Home Society of North Carolina, Inc., is the oldest and largest child-placing agency in this State. It was organized in 1903 and its office and receiving home (capacity 35) are located in Greensboro. It serves the entire State. During its existence, the Society has averaged over 100 placements and about thirty legal adoptions per year.

The Junior League Baby Home and Hospital of Charlotte, established in 1926, is a local child-placing agency. Its receiving home can accommodate 28 babies under two years of age.



Receiving Home, Childrens's Home Society of North Carolina

Licensed child-placing agencies may place children in other states, in conformity of course, with the child-placing and adoption laws of the respective states. In making such out-of-state placements the Superintendent of the Children's Home Society, J. J. Phoenix, found that all states contiguous to North Carolina had statutes regulating the importation and deportation of dependent and delinquent children within their borders. He cited the protection to the North Carolina child and to the commonwealth of North Carolina of similar laws for this State. So his interest in the subject was in great measure responsible for the drafting and enactment of Chapter 226, Public Laws of 1931. Its provisions are almost identical with those of laws of the thirty-five or more other states which regulate inter-state transfer of dependent and delinquent children. They are:

> "No child shall be brought into the State for placing him out or procuring his adoption without written consent of the State Board of Charities and Public Welfare after it is certified to said Board that child does not have contagious or incurable disease, is not deformed, feebleminded or of vicious character and that prospective home is a suitable one.
>
> A bond must be furnished and maintained by person or agency bringing a child into the State for adoption, until child is adopted or has reached eighteen years of age.
>
> No child shall be taken from State for purpose of placement or adoption save by parent or guardian except by written contract approved by State Board that person with whom child is placed will be responsible for his proper care and training.
>
> No child whether legitimate or illegitimate whose parents are not legal residents of North Carolina can be adopted in State except with written consent of the State Board of Charities and Public Welfare.
>
> No juvenile delinquent or dependent coming into the State can become a charge of State until after a continuous residence of three years."

This law has facilitated placement by licensed North Carolina child-placing agencies of North Carolina children in good homes in other states. It has also prevented the importation and "dumping" of defective children in North Carolina homes and communities by low-standard agencies from other states. Several children from other states so placed prior to the enactment

of this law are now public charges in North Carolina institutions for defectives.

As the experience of child welfare agencies resulted in the enactment of the law regulating interstate transfer of children, experience of these same agencies and the Juvenile Courts resulted in an amendment or revision of the old adoption law by the Legislature of 1933. When the original adoption law was enacted in 1872-73 the philosophy of the State was still intensely individualistic. The public school and compulsory attendance laws, the public health laws and the county public welfare and Juvenile Court laws had not then been written. So the matter of adoption was regarded as one where the interests of the adopting parents and the natural parents or guardians of the child were chiefly concerned. The law therefore stated: "Any person desiring to adopt any minor child may file a petition in the Superior Court of the county wherein such child resides, setting forth the name and age of such child and the name of its parents, whether the parents or either of them are living and if there is no living parent, the name of the guardian, if any, and if there is no guardian, the name of the person having charge of the child or with whom such child resides, the amount and nature of the child's estate, if any, and especially if the adoption is for the minority of the child." Another clause provides: "If the child is an orphan and without guardian and possesses any estate, the court shall require from the petitioner such bond as is required by law to be given by guardian." But there is no provision instructing the court to determine the fitness of the adopting parent to rear the child. Thus the statute places more safeguards around the property of the child than around his person though ordinarily most children who are eligible for adoption neither own nor have claim to any property.

So long as the State was rural in its development and homogeneous in its population and the court knew pretty well in a general way the citizens of its county, the law was fairly well adapted to its needs. But with the development of its industries, a more rapid movement of its population both within and without its borders and a greater concern for the common good, the results of the old adoption law as revealed in Juvenile Courts showed that its provisions not only failed to meet the needs of the child in the twentieth century civilization but became an actual menace to the child and the community in the hands of unscrupulous persons. By means of the laxity of this law un-

principled persons were seeking to secure custody of children in evading the laws safe-guarding child-placing; moreover hearings in cases of dependency and delinquency in the Juvenile Courts proved that many children were exploited by foster parents so that it was necessary to remove them from such custody; many young girls committed to the State Industrial Training School because of sex delinquency were found to have been first violated by their foster-fathers. Again because of increased hospital facilities in North Carolina which drew patients from nearby states, women usually unmarried mothers were coming to North Carolina cities for the purpose of delivery at child-birth, and leaving their babies to be adopted or cared for. Frequently couples from other states came into North Carolina and adopted these babies under the old adoption law, later returning the child to the North Carolina court and demanding that the court and community accept responsibility for the child whose development following adoption had revealed either physical or mental defects or both.

In an attempt to meet the needs of the dependent child and to protect his interests and those of the State, the new adoption law of 1933, Chapter 207 was enacted. It makes the following provisions: (1) It specifies that only North Carolina residents may adopt a child in a North Carolina court, what type child may be adopted and that only the Superior Court has jurisdiction in adoption cases (it thus supplements Chapter 226, 1931, which is the law regulating interstate transfer of dependent and delinquent children for placement or adoption); (2) it makes mandatory a social investigation of the condition and antecedents of the child and of the character, finances, condition of the prospective foster parents by the County Superintendent of Public Welfare or a representative of a licensed child-placing agency with written report of the same to the court before the said court takes action in the case; (3) it instructs the court "if it be satisfied that the petitioner is a proper and suitable person and that the adoption is for the best interests of the child" on basis of findings of the report to "tentatively approve the adoption" by trial placement for a period of "within two years thereafter" but not less "than one year" in the home of the petitioner under court order; (4) it permits final orders of adoption to be issued following the satisfactory trial placement thereby "to establish the relation of parent and child"; (5) it provides that the name of the child may be changed to that of

adopting parent and "whenever the name of any child is so changed" the court shall report such change to the Bureau of Vital Statistics of the State Board of Health, authorizing said Bureau to enter change of name on the original birth certificate and to issue upon request a certificate of birth bearing the new name of the child "and the name of foster parents"; (6) it provides that "in all cases where the parent or parents of any child has wilfully abandoned the care, custody, nurture and maintenance of the child" to others and "in all cases where a court of competent jurisdiction has declared the parent or parents or guardian unfit to have the care and custody of such child, such parent or parents or guardian shall be deemed to have forfeited all rights and privileges . . . . of such child" and "shall not be necessary parties" to any action or proceedings of adoption; (7) it specifies that standard blanks for adoption proceedings be supplied the court by the State Board of Charities and Public Welfare and that a duplicate petition and adoption order be filed with the Board. Other sections of the bill are identical with those of the old adoption law.

The law of 1931 regulating interstate placement or transfer of dependent children, the adoption law of 1933 and the bastardy law of 1933 protect the dependent child. They supplement each other and are regarded as markedly forward steps in child welfare. As such laws are necessary for constructive work with and for the child, they should be effective tools for the Juvenile Courts and child-placing agencies in the State. They have already justified their place on statute books by proving their value.

IX

FOSTER HOME CARE OF CHILDREN—BOARDING

COUNTY—1919

STATE—1931

COUNTY—1919

In the foregoing chapters foster home care of dependent children (1) in wage homes through apprenticeship from 1695 to 1919, (2) in adoption homes from 1872 to present, and (3) in congregate institutions in 1868-1872 to present is outlined. Also it is shown that both dependent and defective children were housed with the aged and infirm, the feebleminded and the degenerate adult in County Homes.

The earliest record of a County Home in the State is that of Pasquotank County in 1831. Of its twenty-one inmates at that time, seven were children. From that day until this, regardless of the Juvenile Court law and agencies providing facilities for proper care of these children, county officials continue to place and maintain children in County Homes, whose real function is to serve the impotent and indigent poor. In 1870 the State Board of Charities reported "the orphan and the child of poverty for whom beats no heart warm with the kindly emotions" among the inmates of the "poorhouse" and deplored the fact that no provision was made for teaching or schooling these children. Subsequent reports of the same Board show children as part of the population of County Homes in the State as follows:

1891	81	children in 56 County Homes
1892	114	children
1910	36	children
1911	40	children of whom 8 were listed as feebleminded
1912	78	children
1913	74	children
1915	61	children of whom 24 were listed as feebleminded
1916	37	children of whom 15 were listed as feebleminded
1922	79	children of whom 37 were listed as feebleminded
1932	120	children in 66 County Homes.

Also population reports from Superintendents of County Homes to the Division of Institutions, State Board of Charities and Public Welfare, for the last three months of the calendar year 1933 list: in October 37 children cared for in 13 of the 37 County Homes reporting; in November 62 children in 18 of the 44 County Homes reporting; in December 64 children in 17 of the 37 counties reporting. A total of 87 of the 100 counties of the State maintain County Homes; moreover 9 of these 87 counties have local child caring institutions. Hence it is estimated that there were between 150 to 200 children cared for in the remaining 78 County Homes of the State in December 1933.

This early Nineteenth Century method of caring for dependent children obtains in a Twentieth Century society chiefly because our economic philosophy in financing children's care locally or in the county has not kept pace with our legal and social philosophy in developing measures and agencies to provide proper local care. Our financial or economic philosophy is mainly remedial and therefore wasteful; our legal and social philosophy is mainly preventive and therefore economical both in human and money values. But our actual method or practice is "pennywise and pound foolish." Maintaining children in County Homes is maintaining them in an abnormal, unwholesome environment where they are robbed of opportunity for normal, wholesome deevelopment. The county and State pay the real bill later in maintaining these children as adults in the penal and eleemosynary institutions. What system could be more short-sighted and costly both in human and in money values?

The North Carolina Juvenile Court law provides a Juvenile Court in every county of the State to protect the neglected, the dependent and the delinquent children of each county. (See V.) In C. S. 5048 the law specifies that "no child coming within the provisions of this Act shall be placed in any penal institution, jail, lockup or other place where such child can come into contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purposes of this article or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court . . . ." The same statute further

states: "In case the judge shall arrange for the boarding of children temporarily detained in private homes, a reasonable sum for the board of such children while temporarily detained in such homes shall be paid by the county in which such child may reside or may be found." The temporary care of children in local or county children's or detention homes has been discussed in II. But few courts are provided with adequate budgets by the county or city board of commissioners to board children. Since approximately 150 to 200 children were in County Homes in December 1933 apparently it has appeared to county officials to be cheaper to maintain children in County Homes than in boarding homes. In reaching this conclusion, however, these governing bodies failed to investigate the monthly per capita cost of care in boarding homes as compared with care in County Homes. For the year 1931-32 the average cost in the State of maintaining a child in a licensed boarding home was $15.13 per month whereas the average cost in the State of maintaining an inmate in a County Home was $20.00 per month.

A very few of the more progressive counties, however, have seen the financial and human savings in using private homes to board wards of the Juvenile Court temporarily or pending final disposition of the child. In 1926-27 a Committee of County Superintendents of Public Welfare who are also Chief Probation Officers of the Juvenile Courts, made a "Study of the Problem of Temporary Care of Children." Thirty-five of the one hundred counties participated in the study by filling in questionnaires. This report given in the Biennial Report of the State Board of Charities and Public Welfare for the period ending June 30, 1928 lists provisions for temporary care as follows:

DEPENDENT:

17 pay boarding homes in 17 counties
20 free homes in 17 counties
20 counties using County Homes
3 Superintendents of Welfare taking children into their own homes
7 counties having 21 approved boarding homes on regular list

DELINQUENT:

21 counties use county jail
14 counties use County Home
14 counties pay bills for care
3 counties secure care in homes through private donations.

The rates paid were from 50 cents to $1.25 per day per child.

At the best temporary care of dependent and delinquent children by the Juvenile Courts is a weak link in the chain of protective and preventive measures for children.

STATE—1931

The biennial report of the State Board of Charities and Public Welfare for the period ending June 30, 1930 shows in 1929, 9,107 children of the State cared for as dependent, neglected, delinquent and defective as follows:

3,913 children were cared for in orphanages or other private child-caring institutions in the State.
267 children were placed under supervision of private child-placing agencies in foster homes in the State.
650 (approximately) children were placed under supervision of Juvenile Courts in foster homes in the State.
302 children were under supervision of private child-caring agencies in their own homes.
1,760 children were cared for in their own homes with their own mothers through State and county Mothers' Aid funds.
1,515 children were trained at public expense in State schools for delinquents.
700 (approximately) children were cared for and trained at public expense in State schools for mentally defective.

But superintendents of orphanages, county superintendents of public welfare, probation officers of Juvenile Courts, superintendents of child-caring agencies and the State Board of Charities and Public Welfare were united in the opinion that there was and is a vast group of children in North Carolina who could not be adequately or properly cared for by means existing at that time. This group includes:

1. Children needing temporary care during a period of investigation and pending subsequent arrangement for their future welfare.
2. Children too old to adapt satisfactorily either to institutional life or in foster homes, these children needing helpful guidance and care over a long period frequently.
3. Children who are not eligible for admission to institutions or for placement in foster homes because of physical defect.
4. Children who present special conduct problems and therefore are in need of observation, study and supervision.

Most of these children are, or should be, Juvenile Court charges or State wards. Yet they have been the most truly neglected children in the State as no agency has been financially equipped to render them, and through them, the community the service and help they need. Although there is a statute authorizing the judges of the Juvenile Courts to commit problem children to the State Board of Charities and Public Welfare for proper care (see Section 3, C. S. 5047, Juvenile Court Law, 1919) and another statute (Section 3, C. S. 5006, enacted 1917) which authorizes this Board to assume the responsibility of providing for these children, there was no fund or appropriation enabling the Board to do so. There was the machinery or organization but no funds with which it might function.

Therefore it was the conviction that these children who represent a vast group of the handicapped or under-privileged could best be served through a Boarding Home Fund administered by the State Board and County Welfare Departments on a 50-50 basis (as in Mothers' Aid) that led the North Carolina Orphanage Association, the North Carolina Conference for Social Service and the State Association of Superintendents of Public Welfare to present resolutions in their annual meetings for 1929 and for 1930 not only sponsoring such a plan but requesting that the Legislature of 1931 appropriate a definite sum to be administered by the State Board for the benefit of this group of neglected and dependent children.

The use of the Emergency Prisoners Fund during the period of July, 1929 to January, 1931 to provide for children of eleven prisoners' families in boarding or foster homes had demonstrated the value of such method. So the Legislature of 1931 appropriated a sum of $5,000 to be spent annually for Care of Dependent Children in Boarding and Foster Homes by the State Board of Charities and Public Welfare. The Legislature of 1933 likewise made an appropriation for this purpose. Hence the State of North Carolina can now claim to provide in some measure for the needs of all its handicapped or neglected and dependent children. But there are more calls for this type help than there are funds available to meet the needs. Because the fund is so small it is not distributed to counties on basis of population but any county may present individual cases and receive this State aid, the State and county sharing expense on a 50-50 basis.

In making this appropriation the Legislature of 1931 authorized the State Board of Charities and Public Welfare to draw up rules and regulations for the administration of this fund. These rules and regulations were unanimously approved by the Superintendents of Public Welfare, who are the Chief Probation Officers of the Juvenile Courts of their respective counties, at the annual Public Welfare Institute of 1931. They are:

1. That county of legal residence of a child meet the State fund with an equal amount for relief given him pursuant to a constructive plan for child's welfare. Refund to be made to the county at the end of each quarter.
2. Only children of Juvenile Court age who have legal settlement in North Carolina and who have become charges of and remain under the supervision of the local Juvenile Court through official court action are eligible for assistance from this fund.
3. That a thorough investigation of each child needing such help including study of his home and relatives be made by the local superintendent of welfare (chief probation officer), or assistant, and submitted to the county boards of public welfare and commissioners for approval before application is sent to the State Board for action.
4. That a child receiving this aid continue under the supervision of the Juvenile Court and State Board of Charities and Public Welfare, or of the said State Board, during the period that aid is received.
5. That in an emergency situation where legal residence cannot be established in a county full responsibility for the child's need be met from the State Fund.
6. That no child is to be made a ward of the State Board of Charities and Welfare without consent of the said Board after it shall have reviewed the investigation of the case.

Of course the Boarding or Foster Homes where these children are cared for must meet certain standards just as do all child-caring institutions and Mothers' Aid families in the State. The Boarding Homes which care for children helped through this Fund must be licensed by the State Board of Charities and Public Welfare. There is no fee for this license. The minimum requirements which such a home must meet to qualify for a license are as follows:

1. The home should be located preferably in the country, small town, or on the outskirts of larger town or city.

No child shall be boarded in a home in congested section of a city or town.

2. The home must conform to all laws or ordinances of the locality in which it is situated as to construction and sanitation.
3. Moral conditions in the home must be such that there is an assurance that the best conduct be taught and set as an example to the children. Moral conditions of the neighborhood must assure desirable influences on the child in contacts outside of foster home.
4. Since a normal family life is the purpose of boarding home care, a home having both foster father and foster mother is to be preferred to a home having only foster mother. The foster parents must be of suitable age and temperament to care for children. The mental and physical health of each member of the family must be good.
5. There must be assurance that adequate and proper diet will be furnished the individual child. Sleeping quarters and space for both indoor and outdoor play must be safe and adequate.
6. The home must be accesible for regular attendance in school and church.
7. No home which conducts rooming or boarding house or cares for adults shall be licensed to care for children.
8. There should be other and adequate sources of income for the family in addition to income received from board of children.
9. There should not be more than four children boarded in the same home at the same time, unless brothers and sisters.
10. There should not be more than six children in one home including the family's own children under twelve years of age.
11. The child and foster parents should be visited by a probation officer or worker at least once every six weeks.

Such a home is defined as "A family boarding home for children is a private family home which accepts one or more children to board for pay. Boarding children is not a commercial enterprise enabling families to live from the income of children's board."

There are a number of licensed Boarding Homes in the State. One might be mentioned as an ideal Boarding Home. In the family are mother, father and two little sons who live in their



Boarding Home Care, Before and After

comfortable farm house which has simple but adequate modern conveniences. This family is now boarding two brothers of school age and two little girls under four years of age. This Boarding Home mother is not only a woman of firmness and patience but one who is well educated and who is interested in the individual child. She reads and studies child psychology for the sake of the children to whom she is the Boarding Home mother as well as for the sake of her own children. Her methods of care and training have brought unusually fine results in the case of one little girl who has been in her home for a number of months. This child had been deserted by father and mother who had dragged her from town to town. She was undernourished, had received no training whatever and was given to temper tantrums. Now she is a plump, healthy youngster devoted to her foster mother who has shown her more sincere interest and affection than did her own parents. She reflects this training and care in pleasing child-like manner and an eager zest in being and doing. Although she still shows her bad temper, the tantrums are less frequent.

Another child who is most fortunate in being in a splendid Boarding Home is a little eight-year-old cripple of illegitimate birth. Her mother is feebleminded and immoral. So this child, whose mental examination shows she is a child of normal mentality, now has the opportunity not only of attending school and Sunday School regularly and receiving proper physical care but for the first time in her life she has a normal, happy home. She and the little grand-daughter of the Boarding Home mother share their toys and pleasures as well as their school life and simple tasks about the home. There is a good-natured rivalry as to who shall excel in exercises of Sunday School.

In caring for these children for whom no other type of help is available, North Carolina is providing for children who otherwise would be neglected and abandoned not only by their real parents but by the foster parent, the State, which stands in *loco parentis* to every needy child within its borders. And in serving the child the State serves itself in aiding to develop into useful citizenship those who otherwise would fall by the way.

X
TRENDS

During the period between the early Seventeenth and early Twentieth Centuries North Carolina has made great material progress. She has passed gradually from one-room log cabins with tallow candles and nearby bubbling springs to roomy homes of brick or frame with electric lights, plumbing and sewerage; from primitive methods of farming, trading and household spinning and weaving to scientific agriculture, organized commerce and large scale manufacturing, not only of necessities but of luxuries; from messages carried on foot or on horseback to the telephone, the telegraph, the airmail, and the radio; from the canoe and oxcart to the train, the auto and the aeroplane.

Our social institutions have been and are being changed from those adapted to dealing with individuals or small groups in rural sections where communication was difficult to those based on the needs of large groups in growing urban centers where communication is a matter of but a few minutes.

The foregoing chapters in this brief history of methods of care of under-privileged children in the State have shown the trend from individualistic or parental responsibility to group, county or State responsibility as reflected in our Juvenile Court and Child Welfare laws. Moreover normal children living in their own homes with their own parents are also affected by this trend as reflected chiefly in our public health and education laws. Our social philosophy generally is prevention rather than cure based on the democratic principles of the "greatest good for the greatest number" and "equality of opportunity" with our economic thinking lagging behind our legal thinking and social organization.

Likewise there is the trend toward the larger social group of the State to share the financial responsibilities of the local group or the county either partially as in Mothers' Aid, Boarding Home Care and Public Health Measures or entirely as in the public school administration.

With the havoc and disaster of the great depression of 1930—which exhausted in many localities resources for caring for the unemployed and needy, came Federal aid and consequent super-

vision to the State, thence to the county. Thus has been introduced the third trend in the social philosophy and practice of the State. But this trend also is based on the same demoncratic principles that have shaped the development of laws and institutions within the State.

These trends are found in every other State of the Union and it is the belief of many that at the end of the present crisis there will not be a return to the old order but in the future the Federal Government, the State Government and the local or county government will join forces "to make even the uneven places" in our social democracy.

A large national organization of public welfare officials counting a membership of thousands from all states in its bulletin for February, 1934, writes: "Public officials, social workers and others are considering whether many of the old principles of local responsibility and legal settlement should not be discarded in favor of larger units of administration and participation in financing and administration by the State and perhaps the Federal Government."

Another National group of social workers with an equally large representative and wide spread membership has tentatively suggested as a probable or feasible or standard plan for the future a division of responsibility between Federal, State and county governments as follows:

I. ADMINISTRATION:

1. A Federal Public Assistance Bureau or Department.
2. A State Public Welfare Department.
3. A County Department of Public Welfare.

II. FINANCING:

1. For Mothers' Aid—

   Federal Government to provide one-third
   State Government to provide one-third
   County (Local) Government to provide one-third.

2. Old Age Pensions—

   Federal Government to provide two-thirds
   State Government to provide one-third
   County Government to provide only administrative costs.

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3. General Home Relief (Present Poor Relief)—

Federal Government to provide one-fourth
State Government to provide one-fourth
County Government to provide one-half and also administrative costs.

In comment one might ask: If Federal Aid is to be given the State and county in maintaining a child in his own home under Mothers' Aid, should it not be available also to maintain less fortunate children who are not eligible for care elsewhere in licensed Boarding Homes? It should be noted also that since 1917 North Carolina has had the pattern or standard administrative units or suggested systems in its State and county public welfare departments.

What is the next step forward can not be foretold, but North Carolina will not fail her under-privileged children.

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